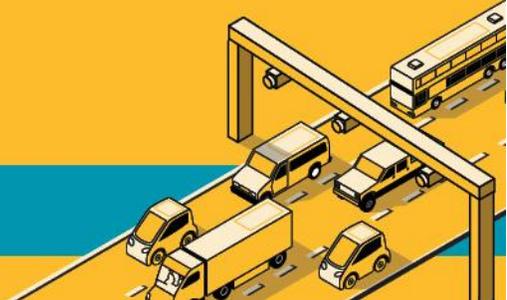


I-205 Toll Project

MEMORANDUM



Date February 11, 2021
To Lucinda Broussard, Mandy Putney, Jeff Buckland, Ben White, and Michael Holthoff (ODOT)
From Stephanie Sprague, WSP
Subject Environmental Justice Methodology Memorandum – Draft #4
CC

1

2 INTRODUCTION

3 This memorandum describes the methods that will be used in the I-205 Toll Project (Project)
4 Environmental Assessment (EA) analysis to evaluate impacts of the Project alternatives low-
5 income populations and minority populations (collectively referred to as environmental justice
6 populations). The analysis and results will be documented in a technical report and
7 summarized in the EA that will be developed to comply with federal guidelines and
8 regulations, including the National Environmental Policy Act (NEPA) and local and state
9 policies, standards, and regulations.

10 The environmental justice analysis will evaluate impacts from the construction, operations, and
11 maintenance of the Project and will identify mitigation measures as needed.

12 LEGAL REGULATIONS AND STANDARDS

13 Laws, Plans, Policies, Regulations, and Guidance

14 The following is a list of federal orders, laws, regulations, plans, policies, and guidance
15 documents that inform the assessment of environmental justice. There are no separate state or
16 local laws or policies regarding environmental justice that would apply to the Project.

17 Federal

- 18 • Presidential Executive Order 12898 – Federal Actions to Address Environmental Justice to
19 Minority Populations and Low-Income Populations
- 20 • U.S. Department of Transportation (USDOT), Department of Transportation Updated
21 Environmental Justice Order 5610.2a
- 22 • Federal Highway Administration (FHWA) Order 6640.23A, FHWA Actions to Address
23 Environmental Justice in Minority Populations and Low-Income Populations
- 24 • FHWA Environmental Justice Reference Guide
- 25 • Title VI of the Civil Rights Act of 1964

- 1 • Age Discrimination Act of 1975
- 2 • Americans with Disabilities Act of 1990
- 3 • Presidential Executive Order 13166 – Improving Access to Services for Persons with Limited
- 4 English Proficiency
- 5 • Title 42 United States Code (USC) Section 4601, Uniform Relocation Assistance and Real
- 6 Property Acquisition Policies for Federal and Federally Assisted Programs
- 7 • Title 49 of the Code of Federal Regulations (CFR) Part 21, Nondiscrimination in Federally
- 8 Assisted Programs of the Department of Transportation, Effectuation of Title VI of the Civil
- 9 Rights Act of 1964

10 **AREA OF POTENTIAL IMPACT**

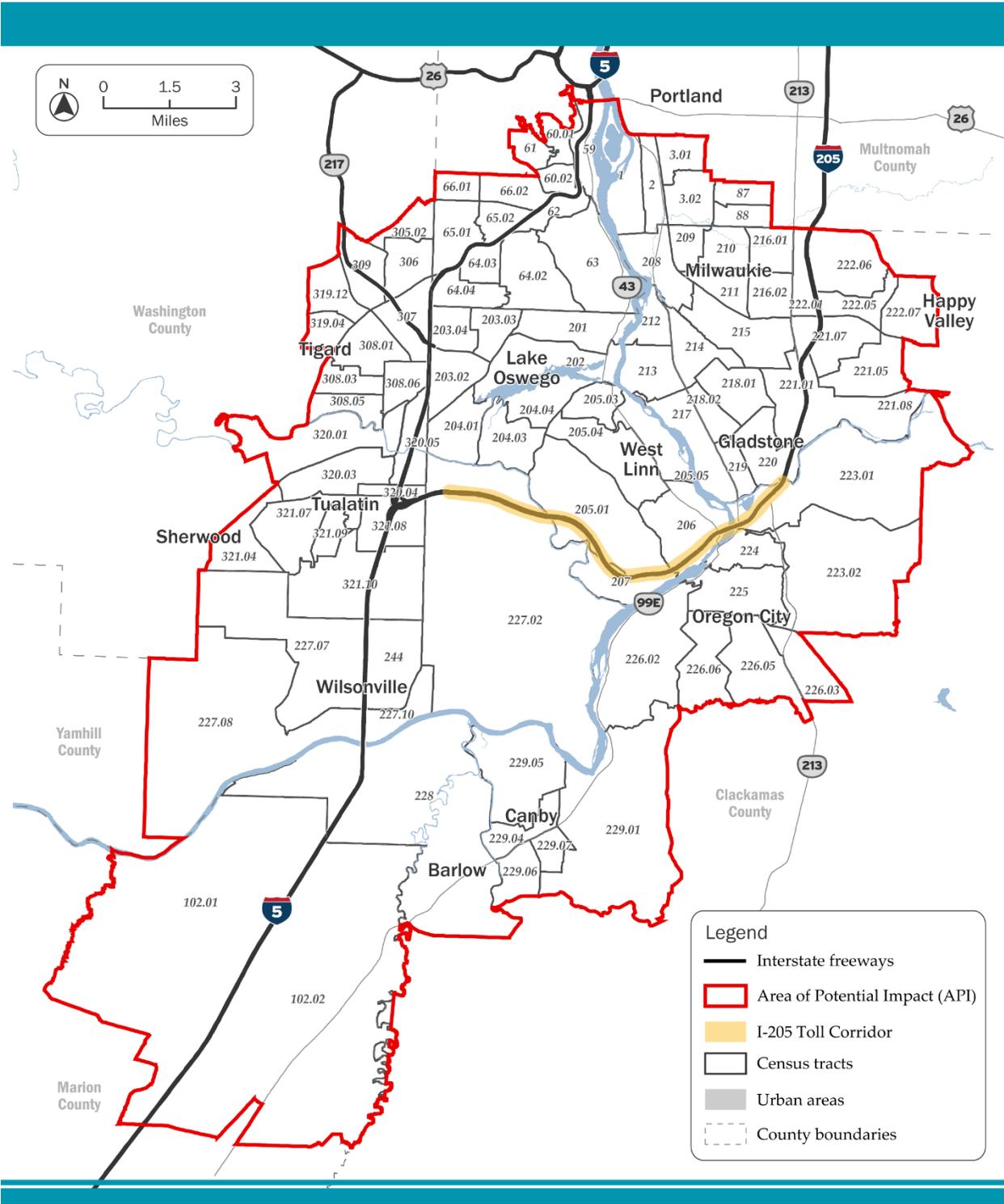
11 An API is a geographic boundary within which the Project alternatives could cause direct
12 impacts to the human and natural environment. As described in the guiding principles outlined
13 in Promising Practices for EJ Methodologies in NEPA Reviews: Report of the Federal
14 Interagency Working Group on Environmental Justice & NEPA Committee (EPA 2016),
15 defining the potential affected environment involves “determining the outer boundaries (i.e.,
16 footprint) of each potentially impacted resource topic analyzed in the NEPA document.” For
17 tolling projects, there are potential impacts to the physical and natural environment, such as
18 rerouting impacts on neighborhoods, community cohesion and business areas, air quality, and
19 noise impacts, and impacts related to the placement of the toll gantries. For the Project, the
20 largest proposed topic area APIs include air quality, economics, and energy and greenhouse
21 gases. Therefore, the API for environmental justice adopts these individual resource topic area
22 APIs as the “outer boundaries” of potential impacts.

23 The environmental justice analysis will use U.S. Census Bureau data at the census tract
24 geography and will consider those census tracts that are entirely within or intersect the
25 environmental justice API shown on **Error! Reference source not found..**

26 Prior to preparation of the Environmental Justice Technical Report, this API may be modified
27 once the alternatives to be studied in the EA have been identified and projected traffic volumes
28 have been refined.

29 Toll projects also have potential population-based impacts such as the cost of the toll and, in
30 particular, the potential disproportionate economic burden on low-income drivers and ability to
31 access to the electronic toll payment system. These types of impacts are not necessarily
32 geographically constrained. Thus, in addition to analyzing the physical and natural resource
33 impacts within the API described above, the Project will also consider the impacts of the tolls
34 and accessibility of the electronic tolling system on different groups such as low-income
35 populations, minority populations, and those with limited English proficiency.

1 **Figure 1. Preliminary Environmental Justice API**



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1 **DESCRIBING THE AFFECTED ENVIRONMENT**

2 **Published Sources and Databases**

3 Data used in the 2018 Documented Categorical Exclusion (DCE) prepared for the I-205
4 Improvements Project will be reviewed to confirm its relevancy and applicability to this study.
5 The following is a list of the data that will be used to determine and describe environmental
6 justice resources/existing conditions and develop a demographic profile for populations that
7 reside within the API and those motorists traveling in or through the API:

- 8 • U.S. Census Bureau
 - 9 – Most recent available 5-Year Estimates from U.S. Census Bureau American Community
 - 10 Survey
 - 11 – Most recent available decennial census data¹
- 12 • Oregon Department of Education student demographic data by school
- 13 • Metropolitan Portland Regional Travel Demand Model (Metro 2018a)

14 **Identifying Environmental Justice Populations**

15 **Low-Income**

16 As defined in the USDOT Updated Order on Environmental Justice, low-income means a
17 person whose median household income is at or below the Department of Health and Human
18 Services (HHS) poverty guidelines (USDOT 2012). For 2020, the poverty guidelines for a
19 household of four persons is \$26,200. However, FHWA allows flexibility for a state or locality to
20 “adopt a more inclusive threshold for low-income than that specified by HHS as long as it is
21 inclusive of all persons at or below the HHS poverty guidelines” (FHWA 2015).

22 The federal poverty level set by HHS does not account for variability in the cost of living across
23 different locales. Metro’s Equity Baseline Report notes that the federal poverty level “is
24 calculated primarily based on the cost of food because of its historical development alongside
25 federal food assistance programs, and it fails to consider local variability in prices. This leads to
26 a definition of poverty (and other low-income classifications) based on a household cost (food)
27 that is relatively small compared to housing, transportation, health care, education, and other
28 costs; and a definition of poverty that is the same for all 48 contiguous states, regardless of local
29 cost of living” (Metro 2015). For instance, in Oregon a family of four with two adults working
30 full-time earning minimum wage and two children would have an annual income of \$55,120
31 (\$13.25 per hour x 2 persons x 2080 hours).

¹ Although the 2020 U.S. Census is underway, that data may not be available at the time the report is prepared. Census data is rolled out in packages over time, so for some measures 2010 data may still be the most recent available data.

1 In light of the above limitations of the federal poverty level, regional stakeholders have defined
2 low-income for their planning purposes to be more inclusive than the HHS poverty threshold.
3 For example, TriMet defines low-income as 200 percent of the federal poverty level (TriMet
4 2019) and Metro also recommends using 200 percent of the federal poverty level to be inclusive
5 of other costs of living besides food costs (Metro 2015).

6 For 2020, 200 percent of the federal poverty level for a household of four persons is \$52,400. The
7 Project recommends adopting the definition of low-income as 200 percent of the federal poverty
8 level to be consistent with data available through the U.S. Census Bureau, to be aligned with
9 regional stakeholder definitions of low-income, and to be more inclusive of the costs of living
10 above and beyond food costs. Any deviations from this definition that may be assumed in the
11 travel demand model will be described during the technical analysis.

12 **Minority**

13 Minority means a person who is:

- 14 1. Black: a person having origins in any of the black racial groups of Africa
- 15 2. Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American,
16 or other Spanish culture or origin, regardless of race
- 17 3. Asian American: a person having origins in any of the original peoples of the Far East,
18 Southeast Asia, or the Indian subcontinent
- 19 4. American Indian and Alaskan Native: a person having origins in any of the original people
20 of North America, South America (including Central America), and who maintains cultural
21 identification through tribal affiliation or community recognition
- 22 5. Native Hawaiian and Other Pacific Islander: people having origins in any of the original
23 peoples of Hawaii, Guam, Samoa, or other Pacific Islands (USDOT 2012)

24 **Environmental Justice Populations**

25 Within the API, environmental justice populations will be identified at the census tract level.
26 The process to identify these populations will use the “50 percent” analysis method in
27 combination with a “meaningful greater” analysis method as described in EPA’s Promising
28 Practices of EJ Methodologies in NEPA Reviews (EPA 2016).

29 Fifty Percent Analysis

- 30 • Any census tract with 50 percent or more minority residents will be identified as a high
31 concentration EJ population.
- 32 • Any census tract with 50 percent or more low-income residents will be identified as a
33 high concentration EJ population.

1 If the percentage of minorities residing in the API as a whole exceeds 50 percent, the project
2 team will consider noting the need for a heightened focus throughout the entire environmental
3 justice analysis.

4 Meaningfully Greater Analysis

5 In addition to census tracts identified under the 50 percent analysis methods, those census tracts
6 that have meaningfully greater percentage of low-income populations or minority populations
7 will also be identified using the following approach:

- 8 • 0 to 5.0 percent higher than the county average: non-environmental justice population
- 9 • 5.1 to 10.0 percent higher than the county average: environmental justice population
- 10 • More than 10.0 percent higher than the county average: high concentration
11 environmental justice population

12 **Contacts and Coordination**

13 In addition to reviewing published information, the project team will gather information on the
14 presence of low-income populations, minority populations, facilities and services that are
15 culturally specific or of cultural importance, and other populations who have been historically
16 and currently excluded and underserved or negatively impacted by transportation projects.
17 This information will be obtained from social service providers, community groups, community
18 engagement liaisons, and from public engagement efforts such as surveys and open houses. The
19 Project team will consult with the Project's Equity and Mobility Advisory Committee to confirm
20 environmental justice resources (community gathering places, social services, ethnic grocery
21 stores, health clinics, churches, etc.) and demographic data gathered for the description of
22 existing conditions. Equity and mobility strategies identified by the committee will inform
23 potential avoidance, minimization, and mitigation measures for environmental justice. When
24 coordinating with these contacts, the project team will also seek input on potential Project
25 benefits and impacts to people from historically and currently excluded and underserved
26 communities to inform the impact assessment.

27 **Field Surveys or Testing**

28 A site visit, in or near the I-205 corridor, will be conducted jointly with the Social Resources and
29 Communities Technical Lead to verify the presence of resources identified through the public
30 engagement process and via the desktop analysis.

31 **IMPACT ASSESSMENT METHODS**

32 The impacts analysis will address the long-term and short-term impacts upon low-income
33 populations, minority populations, and other historically and currently excluded and
34 underserved communities for each of the Project alternatives.

1 **Long-Term Impact Assessment Methods**

2 The analysis of direct long-term environmental justice impacts resulting from the Project will
3 assess whether the alternatives would create disproportionately high and adverse impacts to
4 low-income populations, minority populations, and/or historically and currently excluded and
5 underserved communities. This analysis will consider the following changes that could
6 potentially result from the implementation of tolls, and assess whether these impacts would be
7 disproportionately high and adverse to environmental justice populations:

- 8 • Noise changes near neighborhoods, schools, parks, business areas, and other social
9 gathering places in the API
- 10 • Traffic pattern changes to neighborhoods, schools, parks, business areas, and other social
11 gathering places including rerouting in the API
- 12 • Accessibility to resources such as health care facilities, grocery stores, social service
13 providers, and job centers in the API
- 14 • Travel time savings for motorists using a sample of origin-destination pairs for motorists
15 traveling in or through the API
- 16 • Change in household financial burden from paying tolls for motorists traveling in or
17 through the API
- 18 • Accessibility of an electronic toll system for motorists traveling in or through the API

19 The Project also has the potential to create benefits to low-income populations, minority
20 populations, and/or historically and currently excluded and underserved communities. The
21 analysis of long-term impacts will consider potential benefits, such as an improvement in
22 mobility or accessibility, that may offset adverse effects that could not be avoided or otherwise
23 mitigated.

24 The project team will also incorporate findings from the public engagement efforts to describe
25 the Project's proactive efforts to ensure meaningful opportunities for public participation. These
26 efforts will include descriptions of activities to increase low-income and minority participation,
27 the views of the affected population(s) about the Project, and what steps are being taken to
28 resolve any controversy that exists. Where specific impacts have been noted by the community,
29 potential mitigation measures will be described. This report will reference the Equity and
30 Environmental Justice Outreach section of the Public Involvement Plan and the Equity and
31 Environmental Justice Impacts Briefing document that describe the degree to which the affected
32 groups of minority populations, low-income populations, and/or historically and currently
33 excluded and underserved communities have been involved in the decision-making process
34 related to the alternative selection and their input to the impact analysis and any mitigation
35 measures. If additional impacts are identified through the Project's public engagement efforts,
36 stakeholder coordination or through the Equity and Mobility Advisory Committee, the analysis
37 will be updated.

1 **Short-Term Impact Assessment Methods**

2 The analysis of direct short-term environmental justice impacts resulting from the Project will
3 assess whether construction of the Project would create disproportionately high and adverse
4 impacts to low-income populations, minority populations, and/or historically and currently
5 excluded and underserved communities. This analysis will consider:

- 6 • Construction-related impacts identified in the Project’s individual resource memos and
7 technical reports such as, but not limited to, minor sidewalk improvements or road
8 restriping.
- 9 • Construction-related impacts related to toll gantry construction and placement and
10 installation or relocation of signs or utilities in relation to low-income populations, minority
11 populations and/or historically and currently excluded and underserved communities
- 12 • Any other construction-related impacts identified through the public engagement activities
13 or coordination with community groups, community engagement liaisons, and the Equity
14 and Mobility Advisory Committee.

15 **Indirect Impacts Assessment Methods**

16 The analysis of indirect environmental justice impacts resulting from the Project will assess
17 whether the Project would indirectly create disproportionately high and adverse impacts to
18 low-income populations, minority populations, and/or historically and currently excluded and
19 underserved communities. This analysis will consider:

- 20 • Indirect impacts identified in the Project’s individual resource memos and technical reports
- 21 • Potential quality-of-life impacts from reduced opportunities for employment and services
22 because of degraded accessibility, mobility, and/or travel reliability
- 23 • Potential quality of life impacts from delayed or foregone activities and purchases because
24 of reduced disposable income and/or less available time outside of travel time

25 **Cumulative Impacts Assessment Methods**

26 The analysis of cumulative impacts to environmental justice is described in the I-205 Toll Project
27 Cumulative Impacts Methodology Memorandum.

28 **MITIGATION APPROACH**

29 Equity and mobility strategies identified by the Project’s Equity and Mobility Advisory
30 Committee will be integrated into the Project design as the alternatives are advanced. The
31 purpose of these strategies would be to avoid and/or minimize impacts to environmental justice
32 populations and historically and currently excluded and underserved communities. Potential
33 mitigation measures will be identified for any disproportionately high and adverse
34 environmental justice impacts. The majority of these mitigation measures will be taken from
35 other environmental topics, such as mitigation for community disruption, traffic impacts, air

1 quality, economics, and noise. For any identified environmental justice impacts, the analysis
2 will consider whether the Project’s mitigation measures and environmental enhancement
3 actions will avoid, offset, or minimize these impacts, or whether additional mitigation is
4 necessary.

5 **PERFORMANCE MEASURES**

6 1 presents a preliminary list of performance measures identified to evaluate how the
7 alternatives compare in terms of impacts and benefits to environmental justice.

DRAFT

1 **Table 1. Environmental Justice Performance Measures**

Performance Measure	Tool and/or Data Source used for Assessment of Measure
Identify disproportionate impacts to environmental justice populations located near roadways affected by vehicle rerouting (traffic volume increases and decrease vs. no build)	Census data (American Community Survey 5-year estimates) mapped via GIS. Maps will be overlaid with output from the traffic models identifying roadways with vehicle rerouting (AM peak hour, PM peak hour, off-peak) to see if rerouting affects census tracts with high concentrations of environmental justice populations
Documented engagement of people from historically and currently excluded and underserved and underrepresented communities	EJ Engagement Summary Memo prepared by the public involvement team
Change in travel costs as a percentage of household income	Sample toll cost ranges for origin-destination pairs using I-205. Compare annual toll cost estimates for different scenarios (infrequent, moderate and high use of I-205); report estimated annual toll cost as percent of household income.
Change in access to jobs: share of regional jobs accessible within 30-minute drive	Metro travel demand model to identify percent of jobs (# jobs/all regional jobs) one can access from a transportation analysis zone (TAZ) during AM peak hour within a 30-minute drive. Overlay this on the census tract maps identifying concentrations of environmental justice populations.
Change in access to community resources: share of community resource accessible within 30-minute drive	Metro travel demand model to identify percent of community resources (# resources/all regional resources) one can access from a TAZ during AM peak hour within 30-minute drive. Overlay this on the census tract maps identifying concentrations of environmental justice populations.
Change in access to health promoting activities and health care facilities within 30-minute drive	Metro travel demand model to identify percent of health promoting activities (# promoting activities/all regional promoting activities) one can access from a TAZ during AM peak hour within 30-minute drive. Overlay this on the census tract maps identifying concentrations of environmental justice populations. Metro Multi-Criteria Evaluation (MCE) Toolkit MCE can be used to calculate physical activity benefits (as proxy for public health benefits).
Vehicle travel time savings: overall and for environmental justice communities	Select sample TAZ-level origin to destination pairs (TAZs that utilize I-205) and compare TAZs with high concentrations of environmental justice populations versus other TAZs.
Monetary value of vehicle travel time savings: overall and for environmental justice communities	MCE Toolkit and WSP Benefit Cost Analysis (BCA) Model
Number of sensitive noise receptors experiencing noise levels that reach the ODOT Noise Abatement Approach Criteria	Compare impacts to sensitive noise receptors in census tracts with high concentrations of environmental justice populations versus other census tracts. See Noise Methodology Memo.
Number of sensitive noise receptors experiencing noise levels that reach the ODOT Substantial Increase (10 dBA over existing noise levels)	Compare impacts to sensitive noise receptors in census tracts with high concentrations of environmental justice populations versus other census tracts. See Noise Methodology Memo.

2

1 Additional performance measures may be identified during the course of analysis.

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