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3.8 TITLE VI/ENVIRONMENTAL JUSTICE IMPACTS

3.8.1 Introduction

Executive Order (EO) 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, directs that Environmental Justice impacts for federal activities must be considered. EO 12898 provides that “each Federal agency shall make achieving environmental justice 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.”

Federal funding also requires compliance with Title VI of the 1964 Civil Rights Act, which declares that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The phrases “environmental justice impacts” and “Title VI impacts” are often used interchangeably; however, impacts to low-income populations are addressed only in EO 12898. Although the nondiscrimination principles of EO 12898 and the Title VI statute intersect, they are two separate mandates, and each has unique requirements.

On December 2, 1998, the Federal Highway Administration (FHWA) adopted FHWA Order 6640.23, “FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, in response to the requirements of Executive Order 12898”. On June 14, 2012, FHWA Order 6640.23A (FHWA Order) was issued superseding FHWA Order 6640.23. The FHWA Environmental Justice Reference Guide, published in April 2015, guides FHWA compliance with environmental justice obligations. The Guide repeats the guiding principles of the Department of Transportation Environmental Justice Strategy.¹ It identifies the following three tenets of environmental justice in transportation planning:

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

Disproportionately high and adverse effects “refers to an adverse effect that (1) is predominately borne by a minority population and/or a low-income population; or (2) will 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 will be suffered by the nonminority population and/or non-low-income population.” See the current Secretarial Order definition, DOT 5610.2C (May 16, 2021), Appendix 1.g.

¹ https://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/dot_ej_strategy/index.cfm



3.8.2 Methodology

Compliance with environmental justice requirements was assessed by identifying and analyzing minority and low-income populations within the 12-county Study Area for the Mid-States Corridor project. The environmental justice analysis was performed following the guidelines established in Section II.B.3.e Environmental Justice in the Indiana Department of Transportation (INDOT) Procedural Manual for Preparing Environmental Studies. The 2019 American Community Survey (ACS) identified that minority and low-income populations exist throughout the Study Area. Groups of low-income populations and minority populations were mapped using the project's Geographic Information System (GIS) to identify the locations in which these populations reside.

Environmental justice analyses must determine if a federal action would have disproportionately high and adverse effects on minority or low-income populations. Adverse effects, as defined by the FHWA Order, are “the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects.” Adverse effects may include, but are not limited to:

- Bodily impairment, infirmity, illness, or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of human-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Vibration
- Adverse employment effects
- Displacement of persons, businesses, farms, or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community
- The denial of, reduction in, or significant delay in the receipt of benefits of FHWA/DOT programs, policies, or activities

According to the FHWA Order, a disproportionately high and adverse effect is one that predominately affects an environmental justice community or affects the environmental justice population and is substantially more severe than impacts to the non-environmental justice population.

For the purposes of this Tier 1 EIS, the socio-economic study area for the environmental justice analysis is defined as the census block groups (CBG) that would be impacted by one or more of the routes. An Environmental Justice Outreach Plan dated May 4, 2021 was prepared by the Mid-States Corridor Consultant Public Involvement Team and approved by INDOT and FHWA. This is an update of an earlier May 2020 plan. The Environmental Justice Outreach Plan can be found in **Appendix W–Title VI/Environmental Justice Analysis** and is posted on the Mid-States Corridor Project web site (<https://midstatescorridor.com/project-documents/>). The Environmental Justice Outreach Plan identifies potential environmental justice communities within the socio-economic study area and proposes strategies for outreach to these communities. **Section 3.8.3** through **Section 3.8.5** provide the analysis and its findings. **Appendix W** documents the details of this analysis and its findings.



In Tier 2 NEPA studies, a more detailed analysis of minority and low-income populations will be developed to determine specific effects to those populations. The analysis will include data collection, public involvement, GIS data collection and map analysis. The analysis will include an assessment of communities through a Community Impact Assessment document using available data on population demographics from the U.S. Census Bureau and other resources. Public involvement will provide additional information about potentially affected communities.

3.8.3 Minority and Low-Income Populations

Minority and low-income populations were identified using information from the 2019 ACS. Under FHWA Order 6640.23A, the FHWA and USDOT Environmental Justice (EJ) Orders define “population” as any “readily identifiable group of minority and/or low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons of those groups (such as migrant workers, homeless persons, or Native Americans) who will be similarly affected by a proposed FHWA/DOT program, policy, or activity.”

Potential EJ impacts are found by identifying the minority populations and low-income populations that are in or near the project area, calculating their percentage in the area relative to a reference population, and determining whether there may be adverse impacts to them. The reference community is the community of comparison (COC), and for the Mid-States Corridor EJ analysis, the county for each respective CBG was used as the COC.

CBGs are the smallest area for which the ACS provides data on low-income and minority populations. The ACS data set was used to determine where Mid-States Corridor routes cross minority or low-income COCs. The ACS data also were used to identify the minority and low-income populations within the Mid-States Corridor study area.

The Study Area has 21 CBGs which have a population of concern for environmental justice. See the discussion in **Section 3.8.3.1** and **3.8.3.2** for methodology details. An affected community (AC) has a population of potential concern if:

1. The minority or low-income population of an AC is greater than 50 percent of the AC’s total population; or
2. The percentage minority or low-income population of an AC is 25 percent (or more) higher than percentage minority or low-income population of the reference population or COC.

Environmental Justice Impacts						
Alternatives	Total Populations of CBGs for Low Income Calculations	Total Low Income	Percentage Low Income	Total Populations of CBGs for Minority Calculations	Total Minority	Percentage Minority
B	12,269	1,426	11.62%	10,989	1,351	12.29%
C	22,375	2,646	11.83%	25,744	2,643	10.27%
M	26,386	3,596	13.63%	31,297	2,966	9.48%
O	26,296	3,317	12.61%	31,638	3,357	10.61%
P	23,057	2,705	11.73%	26,418	2,803	10.61%

* Tier 1 Alternative impacts are reported in ranges including all the local improvements, facility types, and bypass variations.

**Facility type 1, freeways, has been removed from consideration. Therefore, no modifications to existing US 231 in Section 1 and existing SR 37 in Section 3 are anticipated. No impacts are anticipated on either of these facilities.

Table 3.8-1: Environmental Justice Impacts by Alternative

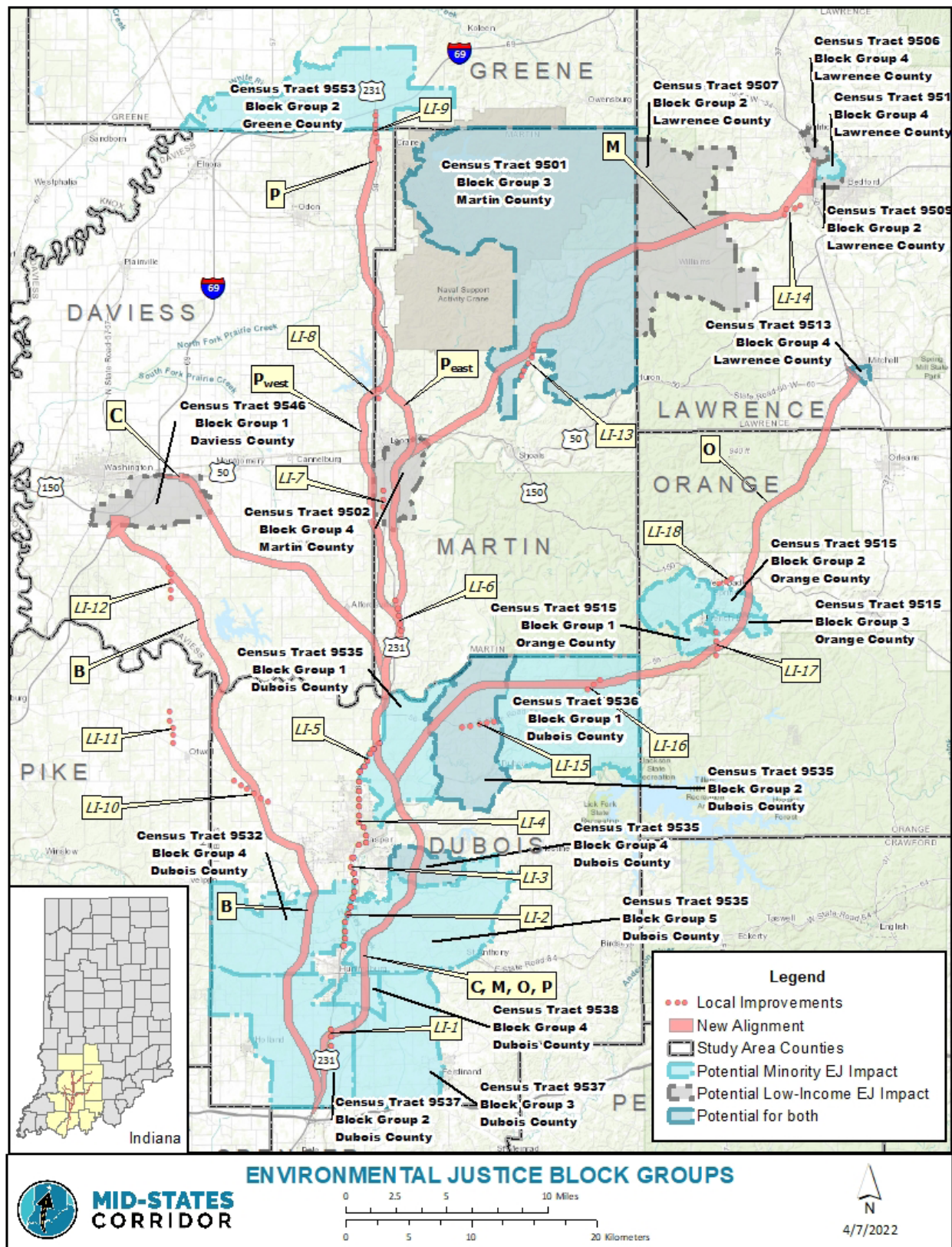


Figure 3.8-1: Environmental Justice Block Groups Impacted



If either of the above situations occur, the affected community is then referred to as having an elevated concentration of minority or low-income populations. Block groups meeting this threshold were identified within the study area (**Appendix W**). The number of minority or low-income people within block groups having elevated concentrations of minority or low-income populations impacted by the proposed routes is summarized in **Table 3.8-1**. The persons enumerated in **Table 3.8.1** do not correspond directly to the number of minority or low-income persons who will be directly impacted by the project because impacts are based on factors (e.g., specific route and scope of the project, specific locations of low-income or minority persons within the CGBs, etc.) that are not yet known at the Tier 1 level of study. Block groups with EJ populations of potential concern are illustrated in **Figure 3.8-1**.

Minority Populations include any readily identifiable groups of minority 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 FHWA program, policy, or activity. Per FHWA Order 6640.23A, the following minority populations are required to be evaluated as part of an analysis of environmental justice issues:

- **Black:** a person having origins in any of the black racial groups of Africa.
- **Hispanic or Latino:** a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **Asian American:** a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- **American Indian and Alaskan Native:** a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through Tribal affiliation or community recognition.
- **Native Hawaiian and Other Pacific Islander:** a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.

Communities of comparison (COCs) and affected communities (ACs) were chosen based on the size of the study area and the demographic data available. For each calculation, individual CGBs are used as the ACs, and the county for each respective CGB is the COC. When the concentration of minority individuals in an affected area is greater than 50 percent or if the concentration in an AC is 25 percent or more than that of the COC, the AC is referred to as having an elevated concentration of minority population or an EJ Population of Concern. Using the 2019 ACS data for minority populations (Table B03002), Minority EJ Populations of Concern were determined as follows:

1. Calculate percent of minority population for both the AC (i.e., CGB) and the COC (i.e., County)
 - a. $\text{Percent Minority} = (\text{Total population} - \text{Not Hispanic or Latino: White alone}) / \text{Total population}$
2. Calculate 125 percent of COC Percent Minority
 - a. $125 \text{ percent of COC Percent Minority} = \text{COC Percent Minority} \times 1.25$
3. IF the AC Percent Minority \geq 50 percent, THEN the AC has a Minority EJ Population of Concern
4. IF the AC Percent Minority \geq 125 percent of COC Percent Minority, THEN the AC has a Minority EJ Population of Concern

Figure 3.8-1 shows the CGBs with elevated concentrations of EJ Populations of Concern. The following bullet points summarize the comparative numbers of such CGBs and total CGBs impacted by each alternative.



- **Alternative B.** It impacts 7 CBGs. Three of these, 43 percent, have elevated concentrations of EJ Populations of Concern.
- **Alternative C.** It impacts 17 CBGs. Seven of these, 41 percent, have elevated concentrations of EJ Populations of Concern.
- **Alternative M.** It impacts 23 CBGs. 12 of these, 52 percent, have elevated concentrations of EJ Populations of Concern.
- **Alternative O.** It impacts 23 CBGs. 12 of these, 52 percent have elevated concentrations of EJ Populations of Concern.
- **Alternative P.** It impacts 19 CBGs. Eight of these, 42 percent, have elevated concentrations of EJ Populations of Concern.

Key observations include:

- The southern portions Alternatives C, P, M and O each impact the same 5 CBGs with elevated EJ Populations of Concern.
- Alternative O impacts 6 additional CBGs with elevated EJ Populations of Concern which are not impacted by other alternatives. Three of these are at French Lick.
- Alternative M impacts 5 additional CBGs with elevated EJ Populations of Concern which are not impacted by other alternatives. Three of these are at Bedford.

This is consistent with Alternative M and O impacting a higher percentage of CBGs with elevated EJ Populations of Concern.

3.8.3.1 Low Income Population

The FHWA and USDOT EJ Orders define a low-income individual as a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) Poverty Level Guidelines. 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 FHWA program, policy, or activity (FHWA Order 6640.23A).

Communities of comparison and affected communities were chosen based on the size of the study area and the demographic data available. For each calculation, individual CBGs are used as the AC, and the county for each respective CBG is the COC. When the concentration of low-income individuals in an affected area is greater than 50 percent or if the concentration in an affected community is 25 percent or more than that of the COC, the affected community is referred to as having an elevated concentration of low-income populations. Using the 2019 ACS data for low-income populations (Table B17001), Low-Income EJ Populations of Concern were determined as follows:

1. Calculate percent of low-income population for both the AC (i.e., CBG) and the COC (i.e., County)
 - a. $\text{Percent Low-Income} = \text{Income in the past 12 months below poverty level} / \text{Total population}$
2. Calculate 125 percent of COC Percent Low-Income
 - a. $125 \text{ percent of COC Percent Low-Income} = \text{COC Percent Low-Income} \times 1.25$
3. IF the AC Percent Low-Income \geq 50 percent, THEN the AC has a Low-Income EJ Population of Concern
4. IF the AC Percent Low-Income \geq 125 percent of COC Percent Low-Income, THEN the AC has a Low-Income EJ Population of Concern



3.8.3.2 Amish Communities

The State of Indiana has the third largest Amish population in the United States, with multiple Amish communities spread throughout the state. Within the project study area Daviess, Martin, Lawrence, and Orange counties contain Amish populations. FHWA Order 6640.23A does not identify Amish populations as constituting a low-income or minority population.

Given their unique transportation needs, outreach will continue to consider the Amish communities as part of this analysis. There are concentrations of Amish populations which could be impacted by the project. Outreach to Amish communities will occur to discuss potential for right-of-way impacts, mobility challenges posed by limitations to access and/or transportation facility types, mobility challenges to attend public meetings not proximate to their homes and both religious and lifestyle practices limiting and/or prohibiting the use of electronic devices to access project information. As part of the project outreach, special efforts will be made to engage members of the Amish communities within the project study area for input.

3.8.4 Outreach and Surveys

3.8.4.1 Outreach Approach

An Environmental Justice Outreach Plan (May 2021 – Original May 2020) was prepared by the Mid-States Corridor Consultant Public Involvement Team. The public outreach program for this project includes specific efforts to engage potentially affected environmental justice communities in the tiered-environmental study. The Tier 1 activities involve a two-phase approach. During Phase 1 Pre-Screening of Alternatives, engagement activities focused on reaching a broader range of individuals. Phase 2 Post-Screening of Alternatives engagement activities were modified due to the COVID 19 pandemic. The original plan emphasized meetings with potential environmental justice communities after the number of alternatives was reduced during screening. This approach would have allowed more opportunities for detailed discussions while still gathering input from these communities within each geographic region of the project. In the absence of these meetings, the project team instituted a flier distribution program to reach EJ populations throughout the project study area. A list of flier locations and additional details about the modified approach can be found in Appendix A of the Environmental Justice Outreach Plan. **Appendix W – Title VI/Environmental Justice Analysis** contains the current Environmental Justice Outreach Plan.

3.8.4.2 Phase 1 – Screening of Alternatives

The first round of Public Information Meetings (PIMs) provided an opportunity for the public to contribute to identifying potential preliminary alternatives as well as providing input on the Draft Purpose and Need. In addition, the “meeting in a box” format was developed and hosted at seventeen public libraries throughout the project study area. Locations closer to potential preliminary alternatives were emphasized. These “meetings in a box” included all PIM materials along with directions on how to provide general comments or comments on potential preliminary alternatives. It also allowed for submitting additional alternatives (line(s) on a map) for consideration. Comments and potential preliminary alternatives were collected from each public library thirty days after distribution and incorporated into the project database. A similar process “meetings in a box” was followed to coincide with the second round of PIMs. This second round of meetings concentrated on gathering input on the Screening of Alternatives document.

3.8.4.3 Phase 2 – Post-Screening of Alternatives

In May 2021 it was determined that the proposed Post-Screening of Alternatives targeted meetings were no longer feasible due to the COVID outbreak. An Environmental Justice Action Plan was prepared to address this challenge. The Environmental Justice Action Plan was included as an addendum to the Environmental Justice Outreach Plan.



As a part of this plan, fliers were posted at local grocery and convenience store retailers, especially those within or proximate to EJ communities. The fliers were also posted at several other local facilities, including libraries, healthcare facilities, municipal buildings, etc. throughout the project study area. This distribution of fliers was included as an additional outreach effort to increase project awareness within these communities and direct them to additional information regarding the project.

The flier distribution will target block groups overlapping or proximate to each route. Locations for fliers were identified within each of those block groups with more locations identified in groups with higher population densities. Additionally, fliers were posted at Meeting-in-a-Box library locations.

Fliers were posted in the spring of 2021 to increase awareness of the project. A second round of fliers will be posted with the release of the Draft Environmental Impact Statement (DEIS) and the associated public hearings and formal comment period. These postings are targeted at increasing awareness within these communities and will be in addition to a number of other outreach mechanisms through multiple media outlets providing notification of the DEIS publication.

3.8.4.4 Relocation Assistance

Possible relocation impacts involving potential EJ Minority and Low-Income Populations of Concern may occur with the project in Dubois, Daviess, Greene, Lawrence, Martin, and Orange counties. Potential relocations due to direct right-of way impacts in CBGs with EJ Populations of Concern include 45 for Alternative B, 93 for Alternative C, 130 for Alternative M, 124 for Alternative O, and 107 for Alternative P. Any individual, family, business or farm displaced by the project will be offered relocation assistance services to locate a suitable replacement property.

The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (amended in 1987) (Uniform Act) was established to ensure uniform and equitable treatment for persons displaced by federally-funded programs. The Code of Federal Regulations (CFR) Title 49, Part 24 requires all Federal, State and local government agencies receiving Federal financial assistance for projects that require acquisitions of real property to comply with the Uniform Act.

3.8.5 Impacts

Potential impacts to be considered for Environmental Justice communities can include alterations to existing travel patterns, changes in the community cohesion, changes in public and private community services and changes in noise levels and air quality. These impacts can vary in urban and rural locations.

3.8.5.1 Changes in Travel Patterns

New highways change travel patterns. These changes vary in urban and rural settings. In urban areas, parking and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian movement) will be evaluated. If cross streets are eliminated or roads closed, coordination with the city or county that is involved in the changes will be considered. If parking spaces are eliminated, there will be analysis of the number of spaces eliminated, the number remaining and related impacts. On-street parking availability, existing and proposed, will also be discussed.

3.8.5.2 Changes in Community Cohesion

Highways can have a noticeable impact on communities. Changes in neighborhood or community cohesion as a result of the proposed action can be adverse or beneficial to the community. These changes may include displacements, splitting neighborhoods, isolating members of an ethnic group, generating new development, changes in property values or separation of residences from community facilities.



3.8.5.3 Changes in Public and Private Community Services

Highways impact on public and private community services and strongly affect settlement patterns. Impacts to school districts, recreation areas, religious and education institutions and emergency services are possible.

3.8.5.4 Changes in Noise and Air Quality

Highways can change levels of traffic noise and air quality. Transportation related noise impacts are related to increasing traffic volumes. Communities adjacent to new transportation facilities will receive higher levels of highway-related noise. Increase highway-related noise is an environmental concern, especially in high density urban settings and outlying suburban areas.

Highways can also have a noticeable impact to air quality related to increasing traffic volumes. Pollutants emitted from vehicles contribute to poor air quality, which has negative impacts on the health and welfare of the public. Transportation facilities also contribute to emissions of air toxics, which are compounds that are known or suspected to cause cancer or other serious health and environmental effects.

3.8.6 Summary

To comply with environmental justice requirements for the Mid-States Corridor project, the number and location of minority and low-income populations within the 12-county Study Area were analyzed. The environmental justice analysis helps facilitate full and fair participation by potentially affected communities in the transportation decision-making process and avoid disproportionately high and adverse effects to protected communities. The Mid-States Corridor project public outreach program includes specific efforts to engage potentially affected environmental justice communities in a tiered-environmental study. The Tier 1 activities involve a two-phase approach including Pre-Screening and Post-Screening of Alternatives with engagement activities focused both on reaching a broader range of individuals and then focusing on reaching potential environmental justice communities after the number of potential alternatives is screened to a lesser level.

The Environmental Justice Outreach Plan was developed to target minority and low-income population concentrations to discuss the project and identify concerns in those communities. The Outreach Plan includes a project website, a project office established in Jasper, Indiana, distribution of project related fliers in local retailers, libraries, healthcare facilities and municipal buildings throughout the project study area. In addition, public information meetings and public hearings will be held to allow for additional input from the environmental justice communities. Having an extensive and diverse outreach plan leads to active participation in the decision-making process. When this is accomplished the development and operation of transportation projects should reflect an equitable distribution of benefits and burdens as will be the case for the Mid-States Corridor project.

The preferred alternative, Alternative P, has the potential to result in approximately 107 relocations in 17 CBGs with elevated Populations of Concern. Alternatives M or O have the potential to result in approximately 130 or 124 relocations in 23 and 23 CBGs with elevated Populations of Concern respectively. Alternatives B and C have the potential to result in 45 and 93 relocations in 7 and 17 CBGs with elevated Populations of Concern respectively. However, Alternatives B and C did not perform adequately on the Purpose and Need core goals, and were discarded for that reason.

Based on the number of potential relocations in CBGs with elevated EJ Populations of Concern, Alternatives M and O have the greatest potential to impact EJ communities. The higher numerical impacts for **Alternative M** are due to its greater length. The details of the analysis are in **Appendix W**.



This Tier 1 analysis shows that the adverse effects are not borne primarily by EJ populations. There likewise is no indication that the effects to EJ populations are more severe or greater in magnitude than the adverse effects which will be suffered by non-EJ populations. It is not anticipated that the preferred alternative would have a disproportionately high or adverse effect on environmental justice populations.

Further analysis will be completed during the Tier 2 studies to analyze potential impacts to EJ communities in greater detail. This analysis will include measures to avoid and minimize potential environmental justice impacts to EJ populations. These Tier 2 analyses will consider mitigation measures, if appropriate.

