



# MEMO

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To: File

From: Jerri Horst

Date: April 20, 2011

Re: **CENTRAL MESA LRT EXTENSION**  
Environmental Justice Technical Memorandum

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## **INTRODUCTION**

The purpose of this memo is to evaluate the Build Alternative and its two options in the downtown area for potential impacts on low-income and minority populations.

## **REGULATORY SETTING**

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires that federal agencies consider and address disproportionately high and adverse environmental effects of proposed federal projects on the health and environment of minority and low-income populations to the greatest extent practicable by law. The Executive Order requires 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 and low-income populations (Subsection 1-101);
- Conduct its programs, policies and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies and activities because of their race, color or national origin (Subsection 2-2); and
- Work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public [Subsection 5-5(c)].

In 1997, the U.S. Department of Transportation issued a *DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations* that includes guidance on complying with Executive Order 12898 during the environmental review process. In addition to complying with the Executive Order, the Department of Transportation is committed to Title VI of the Civil Rights Act of 1964, which provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. FTA Circular 4702.1, *Title VI Program Guidelines for Urban Mass Transit Administration Recipients*, May 26, 1988, provides guidance for compliance with Title VI. For fixed facilities, the circular requires that the NEPA document assess the effects of the project on minority communities.

FTA has since revised and updated this circular to be more consistent with the DOT Order on Environmental Justice and other legislation, Executive Orders, and court cases that have developed in the intervening years since the original circular was prepared. The objectives of *Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients* (issued on May 13, 2007) are to help FTA federal funding recipients to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

### **EVALUATION METHODOLOGY**

For this evaluation, definitions of minority and low-income areas were established based on guidance provided by the Council on Environmental Quality (CEQ). CEQ's *Environmental Justice Guidance Under the National Environmental Policy Act*, December 10, 1997, states, "Minority populations should be identified where either (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis." The CEQ further states that "The selection of the appropriate unit of geographic analysis may be a governing body's jurisdiction, a neighborhood, a census tract, or other similar unit that is chosen so as to not artificially dilute or inflate the affected minority population."

For this analysis, the regional transit service area has been selected as the unit of geographic analysis for comparison. In conformance with the City of Phoenix policy (Phoenix is the transit federal grant recipient for the Metropolitan Association of Governments (MAG) region), locations within the study area with higher percentages of low-income populations and minority populations than the regional transit service area will be considered low-income areas or areas with high concentrations of minority populations. Currently, the regional transit service area percentage for minority populations is 37.6% and for low-income population is 13.1%. Information to evaluate low-income and minority populations within the project corridor is based on the 2000 US Bureau of the Census data.

In determining whether a project will have "disproportionately high and adverse environmental effects," a number of factors were considered including its potential adverse impacts; mitigation and enhancement measures that would be incorporated into the project; and off-setting benefits. Adverse impacts were examined in these critical areas: 1) displacements and relocations; 2) transportation; 3) noise and vibration; 4) community facilities/parklands; and 5) construction impacts.

The evaluation summarizes the beneficial and adverse impacts for the Build Alternative, including efforts to solicit input from the public in considering the alternatives. A preliminary determination whether adverse impacts will fall disproportionately on minority and low-income populations is made at the end of the evaluation. FTA will decide if they concur with this determination after having

reviewed the Final EA, the alternatives considered, adverse impacts and mitigation measures, any off-setting benefits, public comments, and the public involvement process itself. If adverse impacts of the project fall disproportionately on minority and low-income populations, additional mitigation measures beyond those already identified may be required. If strategies cannot be taken to adequately mitigate these impacts, then selection of an alternative with less adverse impacts may need to be considered.

### **STUDY AREA SETTING**

Figures 1 and 2 present locations in the study area where high concentrations of low-income and minority populations reside. For the portion of the study area where the project would be constructed (Sycamore to east of Mesa Drive), all of the route, with two exceptions, lie entirely within and adjacent to areas with high concentrations of low-income and/or minority populations. The two exceptions are each located on the south side of Main Street: 1) between Dobson and Alma School Roads; and 2) between Mesa Drive and Hobson. Note that the census tracts in the area between Dobson and Alma School Roads contain no residences. So, approximately 0.25 mile (Mesa Drive to Hobson) of the total 3.1 mile project alignment (or about 4.0% of the area adjacent to the entire alignment) is comprised of residences on the south side of Main Street having no high concentrations of minority and/or low income populations. However, the area on the north side at that location has high concentrations of both populations.

### **EVALUATION**

The evaluation considers the adverse impacts and mitigation strategies to avoid or minimize adverse impacts as well as the benefits that should be considered in determining whether those benefits may off-set the negative impacts.

#### Adverse Impacts and Mitigation Options

As earlier stated, the evaluation of adverse impacts considered the following: 1) displacements and relocations; 2) transportation; 3) noise and vibration; 4) community facilities/parklands; and 5) construction impacts.

#### *Business and Residential Relocations*

With the current design, partial property acquisitions would affect a small portion of as many as 25 commercial properties along the alignment no matter whether the Build Alternative, 2-Lane Option or 4-Lane Option is implemented. In addition, partial property acquisition would affect a small portion of a mobile home park. At this stage of design, it is not anticipated that these buildings would need to be demolished and businesses or residents relocated. For the LRT Starter Line, buildings with similar impacts were refaced thus eliminating the need to relocate the businesses. However, the final disposition (partial or full acquisition) of these properties would be determined as design advances and right-of-way negotiations with the affect property owners are undertaken.

A 6.7-acre study area for the park-and-ride is being evaluated with the specific design plan for being determined during final design. However, the facility would be built to accommodate about 500 vehicles and would not likely require the entire 6.7-acre site. Assuming a worst-case analysis that the layout would require the entire site would result in acquisition of three vacant parcels and acquisition and relocation of three small businesses and two residences. In addition to the property needed for the park-and-ride, the Build Alternative, 4-Lane Option, would require partial acquisition of just over 2,000 square feet from a commercial property to

accommodate the station platform at Mesa Drive/Main Street. This property would not be required for the 2-Lane Option.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 mandates that relocation services and payments be made available to eligible residents and businesses. The Uniform Relocation Act and its amendments provide protection and assistance to residents and businesses displaced by the acquisition or demolition of real property during the construction of federally funded projects.

An offer of just compensation, which would not be less than the approved appraisal, would be made to each property owner. Equivalent, safe, and sanitary replacement housing, which is within the displaced person's financial means, would be made available before the person is displaced. Expenses for moving personal property from acquired homes and businesses to the relocation site, escrow fees, surveys, appraisals, and other closing costs on a new home would also be eligible for payment within certain limits.

A displaced person cannot be required to move from his or her dwelling unless and until at least one comparable, safe, and sanitary replacement dwelling within the displaced person's financial means is made available to that person. When such a dwelling cannot be provided, then the law provides for Housing of Last Resort (Last Resort Housing). Last resort housing is a provision to make replacement housing available under certain circumstances, e.g., when there is a lack of certain types of dwelling or the displaced person cannot readily be relocated using the regular program relocation benefits.

Note that the Central Mesa Corridor is highly urbanized and located within the Phoenix metropolitan area which has a large population with a rich variety of business and residential opportunities. Adequate reasonable, safe, and sanitary development sites are anticipated to be available to accommodate businesses and residents that may be displaced as a result of the project. If, after right-of-way negotiations, any businesses would require full acquisition and relocation, vacant property is available within the study area to relocate them so they would not need to develop new clientele in a new service area.

### *Transportation*

The separate transportation technical report indicates that, with improvements at one or two intersections, all intersections in the study area would operate at an overall acceptable level of service regardless of which option is selected for implementation. Therefore, the project would have no adverse impact on traffic.

Region-wide transit service will not be reduced as a result of the proposed project, but there will be some changes in local bus service to provide optimal service and connectivity between local bus and the selected high capacity transit project. It is anticipated that access and mobility will be increased for transit-dependent persons and others both within the Central Mesa LRT Extension study area as well as throughout the region's transit service area. Note also that the MAG Regional Transportation Plan (RTP), 2007 Update, which includes the Central Mesa project, indicates that low-income communities (97%) are served by the transit improvements in the RTP compared to only 88% of non-low income communities. The fare structure for the new transit project would be the same as the existing fares so there would be no impact on local residents with regard to increasing fares for this improved high capacity transit service. In addition, there is no linkage between funding for the Central Mesa LRT Extension and impacts

to service/fare increases that may occur in the future. Local funding for the Central Mesa LRT project is derived from the Proposition 400 sales tax that was previously approved by voters and reserved in the RTP for high capacity transit improvements in the Central Mesa LRT corridor. These funds do not affect other transit services and funds in the region.

### *Noise and Vibration*

Noise and vibration analysis was conducted along the alignment and determined that LRT operations are not expected to result in adverse noise or vibration impacts anywhere along the alignment.

### *Community Facilities/Parklands*

The project would have no adverse impact on community facilities, including parklands. As discussed in Section 3.13 of the EA, the project will not result in long term community disruption. Potential impacts on the community during construction are discussed below.

### *Construction*

The major impacts during construction would be in the areas of air quality, noise, and traffic. Specific impacts and mitigation measures are discussed in the separate technical reports prepared for the Central Mesa LRT Extension EA for each of these impact categories. The impacts would be temporary and last the period of construction. Although the proposed mitigation measures would lessen the severity of the impacts, some adverse impacts would still exist during the construction period.

METRO will work with the contractor and property and business owners most affected before construction begins to create a construction plan and schedule that best addresses concerns of nearby businesses and residents.

For the LRT Starter Line, METRO implemented programs to help minimize the impacts of construction including:

- Business outreach. METRO and its member cities, including Mesa, offered a variety of business outreach programs that included:
  - Low interest loan programs in partnership with financial institutions.
  - A-frame signs or banners to let customers know businesses are open.
  - METRO Max discount card program. Businesses listings are free on the METRO web site.
  - Postcard marketing program for businesses to advertise to customers.
  - Maps to inform customers of the best routes to reach businesses
- Community Advisory Board (CAB) Program. Composed of citizens, property owners and business owners directly impacted by light rail construction. The group met monthly to evaluate construction contractors with regard to: 1) traffic management; 2) contractor response; 3) property restoration; and 4) public outreach.
- Construction Outreach Support. During construction a METRO public involvement coordinator was on-call 24 hours a day, seven days a week. The coordinator provided day-to-day contact with businesses and residents, answered construction questions, and helped to solve construction-related problems.

METRO intends to continue similar programs for construction of the Central Mesa LRT extension.

### Project Benefits

The Build Alternative would provide a more convenient and reliable transit access to regional destinations through its direct connection (no transfer required) to the 20-mile LRT Starter Line that now serves portions of west Mesa, Phoenix, and Tempe. The LRT extension would also provide greatly improved access to major employment centers, higher educational institutions, and health care services since many of the destinations served by the LRT Starter Line include many of these types of activity centers in the region. With access to reliable transportation, employment opportunities are increased that may lead to greater employment stability and a higher quality of life.

According to a separate memo prepared for the Central Mesa Tier 2 evaluation<sup>1</sup>, businesses that choose to locate along the transit corridor and adjacent to downtown Mesa's existing and planned urban amenities will be more competitive in attracting and retaining workers and thus better able to capture local employment growth. Additionally, the proposed project through downtown Mesa has the potential to assist in attracting higher density, mixed-use redevelopment projects. As a result, some of the growth that would have occurred elsewhere in the City or the region will be drawn to downtown Mesa. All of this can help lead to more local opportunities for employment for low-income and minority populations residing in the project area. Economic redevelopment may have the effect of increasing property values, which would be a positive benefit for those who currently own property in the corridor, but may possibly have a negative effect on those who rent and who may not be able to afford the higher rents that often accompany higher land values. However, according to a study by Lance Freeman<sup>2</sup>, his research did not show evidence of a causal relationship between economic redevelopment in a community and displacement of low-income persons. His findings indicated that poor residents may actually be less likely to move from areas undergoing redevelopment. The separate economic impacts evaluation memo that is included as an appendix to the EA provides additional discussion of the potential benefits of the proposed project.

### Any Differences Between the 2-Lane and 4-Lane Options East of Country Club Drive?

No, the adverse impacts and mitigation strategies as well as benefits would be the same regardless of option selected for implementation.

### **MAJOR FINDINGS**

As previously noted, the vast majority of the neighborhoods surrounding the proposed LRT route are considered to be comprised of low-income and/or high minority populations. Therefore, while the project has some adverse impacts affecting people living in these areas, most of the benefits from the project would also accrue to those living in these same areas. Mitigation is available to minimize the potential adverse impacts.

In view of the considerable project benefits and local support for implementing a high capacity transit alternative in Central Mesa, the adverse impacts on low-income and minority populations would not be disproportionate to the improved consistency and reliability of transit service, increased mobility, regional connectivity, and economic gains that the proposed project would offer. Public input related to project benefits and impacts has been solicited throughout the

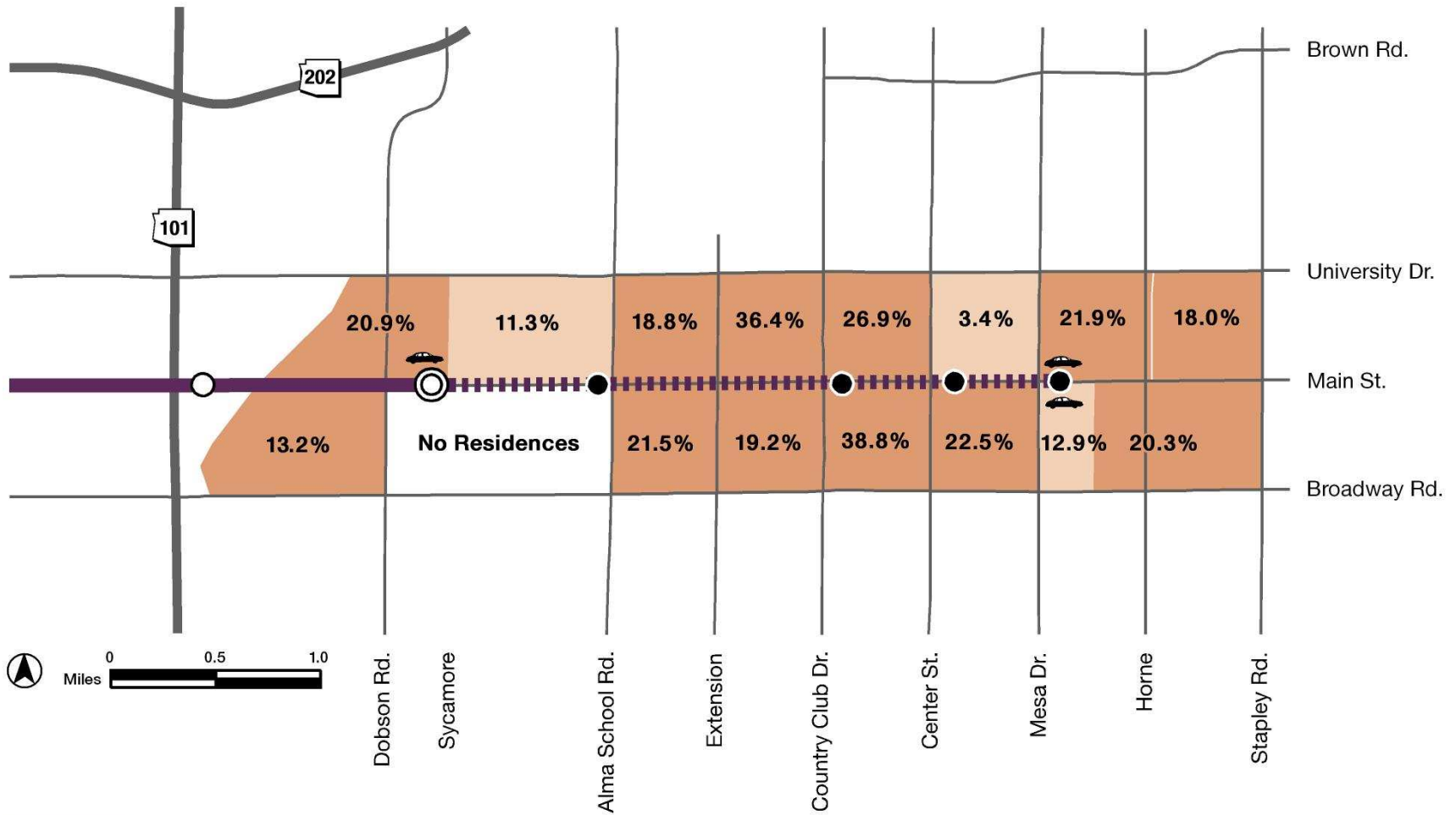
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<sup>1</sup> Economic & Planning Systems, *Transit Oriented Development Potential for Downtown Mesa Transit Alignment Alternatives*, February 15, 2008.

<sup>2</sup> *There Goes the 'Hood: Views of Gentrification from the Ground Up*, Lance Freeman, Temple University Press, 2006.

study and will continue to be sought during subsequent project development phases. METRO and the City of Mesa have advertised public meetings in various ways including sending post cards in English and Spanish to over 6,500 residences and businesses within the study area to ensure that all who may have an interest in the project were individually notified of the upcoming meetings and welcoming their input. Some meetings were also advertised in newspapers having wide circulation including *LaVoz*, a Latin-American publication. The scoping brochure was published in both English and Spanish. The fact sheets and other collateral materials were available in alternative formats upon request.

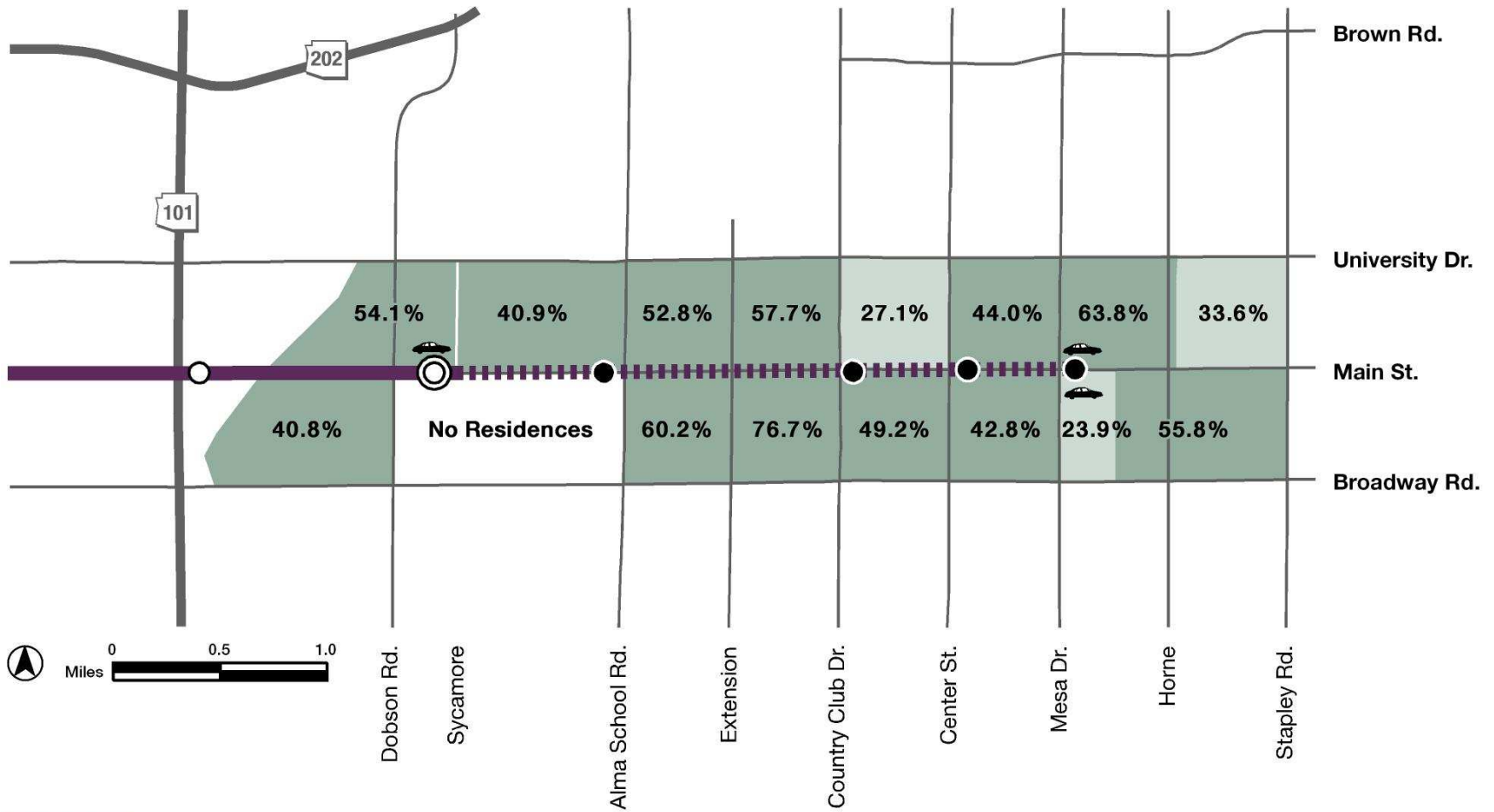
### Figure 1 Low-income Population Percentage



**LEGEND**

- Light Rail Line / Station
- Bus Interface Location
- At or below transit service area average (13.1%)
- Central Mesa Extension
- Park-and-Ride
- Above transit service area average (13.1%)

## Figure 2 Minority Population Percentage



**LEGEND**

- Light Rail Line / Station
- Central Mesa Extension
- Bus Interface Location
- Park-and-Ride
- At or below transit service area average (37.6%)
- Above transit service area average (37.6%)