

3.3 Environmental Justice

3.3.1 Introduction

Environmental justice is defined as the fair treatment of people of all races, cultures, incomes, and educational levels with respect to the development and enforcement of environmental laws, regulations, and policies. Fair treatment means that no population should be forced to shoulder a disproportionate share of environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

Several federal and state regulations exist that address environmental justice and how to incorporate the principles into transportation planning. Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, mandates federal agencies to make achieving environmental justice part of their mission. Agencies are required to identify and correct programs, policies, and activities that have disproportionately high and adverse human health or environmental effects on minority and low-income populations. Any transportation project that is federally funded must abide by Executive Order 12898. The United States Department of Transportation (DOT) issued the *DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations* (DOT Order 5610.2) to expand upon Executive Order 12898 and to define the process for incorporating environmental justice principles into all DOT programs, policies, and activities. FHWA Order 6640.23, *FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* integrates the principles of the DOT Order 5610.2 and Executive Order 12898 into all Federal Highway Administration programs, policies, and activities.

Impacts to low-income and minority populations were considered as part of the environmental analyses to ensure that these populations do not receive a disproportionately high share of adverse environmental or human health impacts from the Proposed Action. Extensive socioeconomic and demographic data were studied to determine if the Proposed Action would adversely affect a disproportionate number of minority or low income communities. Furthermore, the Project Team developed a public outreach program, which was inclusive of low-income and minority populations in the NEPA process.

Definition of Environmental Justice

Fair treatment of low-income and minority populations to ensure that they do not bear a disproportionate amount of environmental consequences from a project. Low-income populations are those that have household incomes at or below the Department of Health and Human Services poverty guidelines. Minority populations include African Americans, Hispanics, Asian Americans, American Indian, and Alaskan Natives.

Public Outreach Program

The Project Team developed a public outreach program to reach all populations in the study area, including the identified low-income and minority populations. Efforts included mass distribution of flyers, newsletters, and invitations to residents throughout the corridor to all public open houses and speaking engagements for the project. Additionally, Spanish-speaking project team leaders were present at the public meetings. Press releases announcing the public meetings were sent to local newspapers, radio stations, and television stations in cooperation with the City of Colorado Springs and El Paso County Public Relations Departments. The public notices also provided a phone number to call to arrange special transportation services.



As summarized in Table 3.3-1, neither the No Action Alternative nor the Proposed Action will have disproportionately high and adverse impacts to low-income and minority populations in the project area.

**Table 3.3-1
Impacts to Low-Income and Minority Populations**

Topic	No Action Alternative Impacts	Proposed Action Impacts	Proposed Action Mitigation
Low-income and minority populations	No disproportionately high and adverse impacts	No disproportionately high and adverse impacts	None

3.3.2 Methodology

Minority and low-income populations in the corridor were identified by comparing the demographics of census tracts within the project corridor to those of the City, County, and State as a whole. In accordance with FHWA guidelines, low-income status and the poverty threshold were based upon a comparison of incomes to federal poverty income designations of the U.S. Department of Health and Human Services (HHS). In addition to the evaluation of census data, interviews with property owners, apartment managers, and managers of the businesses that will be displaced were also conducted to determine if low-income and minority populations would receive disproportionately high and adverse impacts from the Proposed Action.

How Low-Income Residents are Defined

FHWA guidance uses Health and Human Services poverty thresholds to define a low-income population as any readily identifiable group of low-income persons who live in geographic proximity or are geographically dispersed or transient persons (such as migrant workers) who would be similarly affected by a proposed FHWA program, policy, or activity (FHWA 1998).

3.3.3 Affected Environment

Minority Populations

The racial makeup of El Paso County and the city of Colorado Springs is predominantly Caucasian, comprising approximately 75 percent of the County and City population (2001 Supplementary Survey Summary of the U.S. Census Bureau).

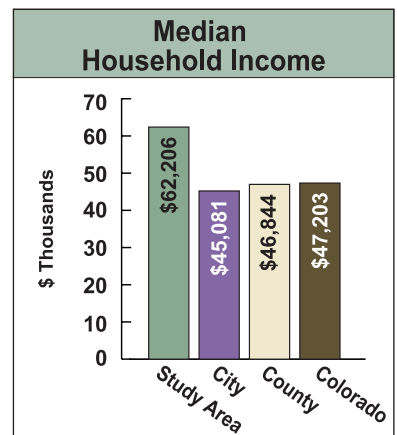
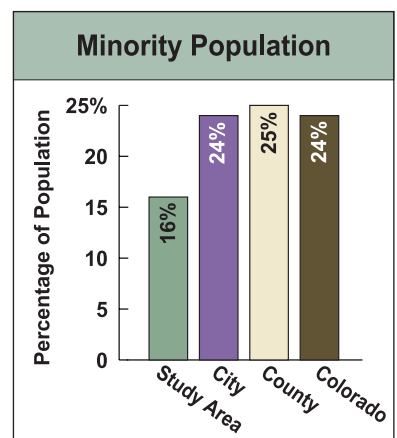


In the City and County, the predominant minority population is Hispanic, comprising approximately 11 percent; followed by African American (approximately 6 percent); and Asian (approximately 3 percent). According to U.S. Census Bureau Census Tract data, the minority population within the study area is approximately 15 percent (I-25 to Powers Boulevard) to 17 percent (Powers Boulevard to US 24), which is lower than the minority population of the City (24 percent), County (25 percent), and State (24 percent).

According to the research, a high percentage of minority residents of the corridor are tenants at the Crossroads Apartment Complex located at the southeast corner of Woodmen Road and Academy Boulevard. Through interviews with the apartment manager, it was determined that this group of apartments is home to greater than 50 percent minority residents, primarily Hispanic and Asian, a comparatively higher proportion of minority residents than other portions of the study area. According to site surveys and interviews, no other areas had these characteristics.

Low-Income Populations

In 1990, El Paso County and the City of Colorado Springs had a slightly lower percentage of people in poverty than that of the State of Colorado. This trend is also apparent in 1999, 2000, and 2003. Economic information for 1999 (the most recent year that census data is available for the census tracts in the project area) showed that median household income in the census tracts contained within the study area (\$62,206) was higher than that of the State (\$47,203), County (\$46,844), and City (\$45,081) (U.S. Census Bureau 2000). In 2003, the median household income for the State was \$50,538, which was approximately the same as the City’s median household income (\$50,667), but slightly lower than the County’s (\$52,504) (U.S. Census Bureau 2003). The Health and Human Services (HHS) poverty threshold for a family of four in 1999 was \$16,700 (HHS 2005). The median household income in 1999 for all census tracts in the project area (\$62,206) was higher than the poverty threshold of \$16,700. Furthermore, the median household incomes for the State, County, and City are substantially higher than the 2003 HHS poverty threshold (\$18,400) (U.S. Census Bureau 2003; HHS 2003). The HHS poverty threshold for a family of four in 2005 is \$19,350 (HHS 2005). In the six years since median household income data was available for census tracts in the project area, there have not been any known changes in the demographics of the census tracts that would indicate any decline in median household income or an influx of low-income populations. Therefore, it is reasonable to assume that median household income remains substantially higher in the project area than the 2005 HHS poverty threshold.



A survey of local, state, and/or federal aid grants was conducted to determine if families or individuals within the project area receive financial housing assistance, which would indicate low-income status. For example, Section 8 housing grants, issued through the Colorado Division of Housing, provide rental assistance and homeownership assistance to families qualifying for low-income status.

The population fluctuates at the Crossroads Apartment Complex as tenants move in or move out. Thus, the amount of Section 8 housing grants provided to the tenants at the Crossroads Apartment Complex will vary depending on the eligibility of individual tenants at any given time. At the time the interviews with the apartment manager were conducted during 2002 and 2003, two to three tenants received Section 8 housing grants. For confidentiality reasons, the location of individual units receiving housing assistance is withheld.

The entire complex was evaluated to determine if disproportionate impacts to low income and/or minority residents would occur as a result of the project. No other low income or minority populations were identified in the study area.

3.3.4 Environmental Impacts

No Action Alternative

Under the No Action Alternative, the City plans to realign the Academy Boulevard/Woodmen Road intersection, adding a right-turn lane onto Woodmen Road heading east. This would require the acquisition of 29 of the 280 existing parking spaces at the Crossroads Apartment Complex on the southeast corner of the intersection. These spaces cannot be replaced by restriping. The loss of spaces will place the apartment complex farther below the approximately 296 spaces required by the City for an apartment complex of this size. Insufficient parking could make renting these units difficult. Additional planning would be needed before proceeding with a right turn lane.

According to the Crossroads Apartment Complex manager, only a few of the tenants are transit-dependent. The City of Colorado Springs “Springs Transit” provides bus service via two routes that cross the Woodmen Road/Academy Boulevard intersection: Route #1 uses Academy Boulevard north/south and Route #91 uses Woodmen Road west and Academy Boulevard north.

Bus Riders

Moving the bus stop does not affect passengers’ ability to transfer between routes. According to Springs Transit, “virtually no passengers transfer from the Route #1 bus to the Route #91 bus.” If passengers choose to do so, they can transfer farther north on Academy Boulevard where the north- and south-bound stops are across the street from each other.



The parking lot at the Crossroads Apartment Complex, looking east along Woodmen Road.



There are existing bus stops on the south side of the intersection of Woodmen Road and Academy Boulevard, one on each side. Traffic congestion on Academy Boulevard and Woodmen Road, especially as it increases in the future, creates less safe pedestrian crossings.

Noise levels along Woodmen Road would generally increase between existing and 2030 conditions as traffic volumes increase. Some residences in the project area currently experience noise levels that exceed the applicable Noise Abatement Criteria (NAC).

In 2030, portions of the following residential areas will experience noise levels at or above the NAC threshold:

- Crossroads Apartment Complex
- Cottonwood Creek Townhomes
- Columbine Estates neighborhood
- Woodland Hills Apartments
- Woodland Hills Village neighborhood
- Vineyard Apartments

Noise impacts associated with the No Action Alternative would not result in disproportionately high and adverse impacts to low-income and minority populations. The No Action Alternative would require the acquisition of additional right-of-way (ROW) along Woodmen Road near the major intersections between I-25 and Powers Boulevard. Full or partial ROW acquisitions would be required from nine commercial properties. One of these is the acquisition of a vacant building located at the corner of Woodmen Road and Academy Boulevard that was previously occupied by NAPA Auto Parts. The owner of the building is not a member of a minority nor is considered low-income. The ROW needed from the other eight properties would be small strips from landscaped areas and would not affect the businesses' operations or their employees. Thus, no disproportionately high and adverse impacts to minority or low-income populations will result from the No Action Alternative.



Proposed Action

The Proposed Action will require acquisition of 15 homes (see Chapter 3.2 *Relocations and Acquisitions*), none of which have minority or low-income owners. Additionally, the Proposed Action involves the acquisition of a portion of the Crossroads Apartment Complex parking lot, resulting in a loss of 11 out of the 280 existing parking spaces. The Proposed Action also realigns Academy Boulevard to the west, minimizing the impact on the parking lot. This realignment reduces the number of lost spaces from 29 (under the No Action Alternative) to 11. These 11 parking spaces will be replaced by restriping. While the apartment complex's 280 parking spaces would still be below the City's requirement of 296 parking spaces, the complex would have the same number of spaces under the Proposed Action as they currently have. Therefore, with respect to parking spaces, this would not cause disproportionately high and adverse impacts to the residents at the Crossroads Apartment Complex.

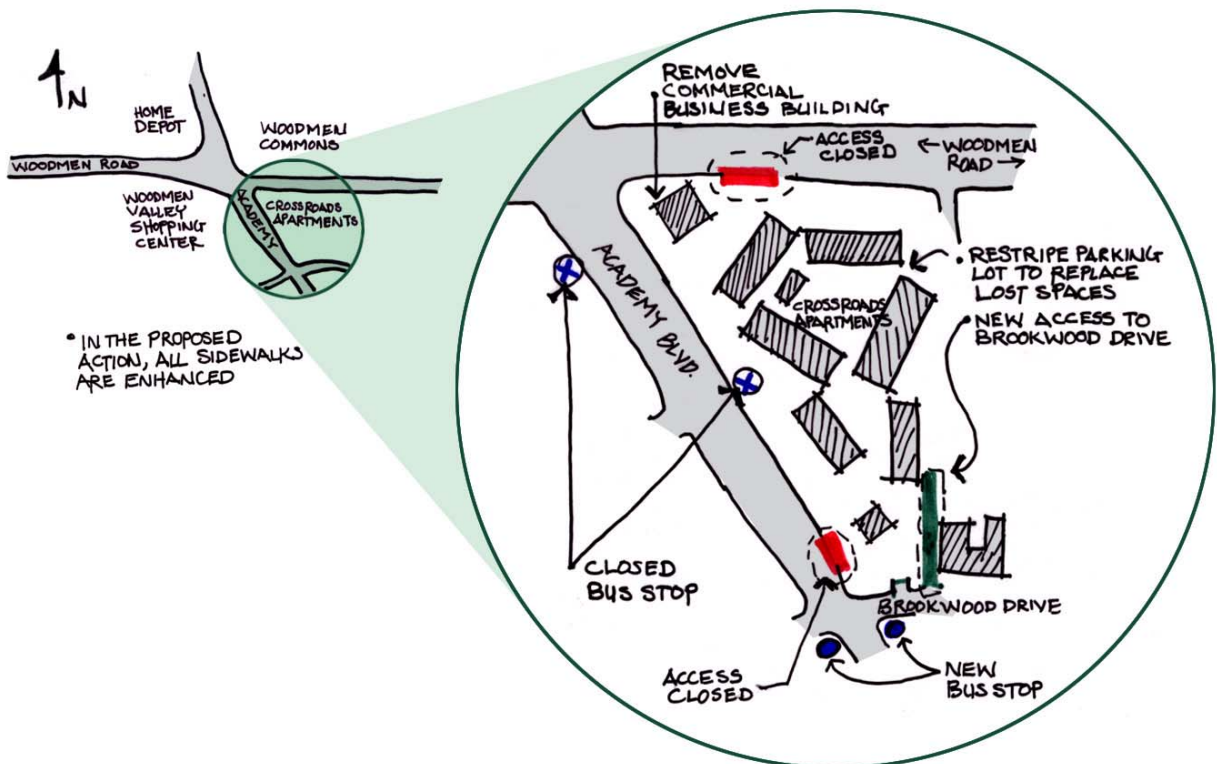


Figure 3.3-1 The intersection at Woodmen Road and Academy Boulevard showing the location of bus stops on Academy Boulevard and accesses into the Crossroads Apartment Complex.



The apartment complex currently has three accesses to the parking lot (see Figure 3.3-1). The Proposed Action involves permanently closing one of these accesses (on Woodmen Road just east of the intersection of Academy Boulevard), and relocating the access on Academy Boulevard to an access off Brookwood Drive. Access to the parking lot will be maintained, and emergency access is available from Woodmen Road and Academy Boulevard. This modified access does not result in disproportionately high and adverse impacts to residents of the Crossroads Apartment Complex.

The Proposed Action would move bus stops along Academy Boulevard approximately 700 feet south, near the signalized intersection of Brookwood Drive. However, the impact of relocated bus stops would be proportionate to impacts borne by other populations in the project corridor; that is, other bus stops on Woodmen Road, at the entrance to the Home Depot, and along Academy Boulevard, would also be relocated a short distance.

In addition, the signalized intersections would provide improved access to local business for all residents, shoppers, and workers crossing Academy Boulevard and Woodmen Road though the Proposed Action's safer pedestrian islands, crosswalks, bike lanes, and improved timing of signals.

The Proposed Action would create higher noise levels along the Woodmen Road corridor due to additional traffic traveling on additional lanes. Existing noise walls for the Yorkshire Estates, Brookwood, and Lexington Heights will remain effective after the improvements to Woodmen Road are constructed.

Noise walls are recommended in residential areas that meet or exceed the NAC and where it has been determined that noise abatement is both feasible and reasonable.



Springs Transit has a bus stop on the west side of Academy Boulevard, south of Woodmen Road.

The Crossroads Apartment Complex would be exposed to increased noise levels from the implementation of the Proposed Action. The noise impacts are not disproportionate to the tenants at the Crossroads Apartment Complex because other areas along Woodmen Road would also experience increased traffic noise. For example, portions of the following residential areas also meet or exceed the NAC:

- Cottonwood Creek Townhomes
- Columbine Estates neighborhood
- Woodland Hills Apartments
- Woodland Hills neighborhood
- Vineyards Apartments
- A residence north of Woodmen Road and east of Mustang Road
- A residence north of Woodmen Road and east of Brule Road

Furthermore, noise walls were found to be both feasible and reasonable at the Crossroads Apartment Complex as well as four other locations from the list above (see Section 3.1).

Five businesses would be displaced as result of the proposed improvements to Woodmen Road: Albertaco's, Einstein Bros Cafe, Cash Advance, the former NAPA store, and Shell gas station. Four of these businesses were contacted in order to assess the potential disproportionately high and adverse impacts to low-income or minority workers. The former NAPA store was not evaluated since it is currently vacant.

These businesses currently employ between 2 and 25 employees, and most work full-time. All of these businesses pay their employees above minimum wage. All of the employees, except for one that works at Einstein Bros Cafe, drive to work and most of them do not live near their place of employment.

Minority employees work at all of the businesses except for the Shell gas station. Of approximately 39 employees, 11 are minorities. Thus, minority workers comprise 28 percent of the workforce employed at the businesses that may be relocated. With the exception of Albertaco's, none of these businesses is owned or operated by minorities.

While some jobs may be lost due to the displacement of these businesses, similar types of jobs are available along and adjacent to the Woodmen Road corridor. Additionally, there are opportunities for the businesses to relocate in the vicinity and maintain their current employees.



Cash Advance is one of the businesses that may be displaced under the Proposed Action



Bus service is available to all employees in the area, so public transportation will continue to be available to the displaced employees. If the businesses do not relocate, several Federal, State, and Local programs exist that provide assistance to displaced employees.

There will not be disproportionately high and adverse impacts to minority or low-income employees as a result of the Proposed Action because minorities comprise only about a quarter of the displaced workforce. Furthermore, the businesses will have the opportunity to relocate and maintain their current workforce. If the businesses do not relocate, employees may find jobs at similar businesses in the project area or may readily receive assistance from a variety of government programs.

3.3.5 Cumulative Impacts

Sustaining Nature and Community in the Pikes Peak Region (RCEA) cites the transportation vision for the Colorado Springs region as stated in the *City of Colorado Springs 2001 Comprehensive Plan*. The vision includes a transportation system with a high degree of efficiency, mobility, accessibility, connectivity, and a range of choices for traveling between destinations within the community. The cumulative impacts of ineffective transportation patterns can impair the quality of life resulting in neighborhoods that may be bisected by transportation corridors, have barriers to the movement of people, barriers to public transit access, increased noise, and degraded air quality. All of these effects when combined with other social and institutional barriers can make a difference in job availability and access, and decent places for low income and minority populations to live.

If, on a regional level, public and private projects routinely burden minority or low-income populations with the environmental consequences of those projects - such as bisecting minority neighborhoods, reducing public transit accessibility, increasing noise, and degrading air quality - cumulative impacts to low-income and minority populations would occur. Because the No Action Alternative and the Proposed Action do not have a disproportionately high and adverse impact on low-income and minority populations in the Woodmen Road Corridor, neither alternative would contribute to any local or regional cumulative impacts to these populations.

Agencies that Aid Displaced Employees

- Department of Labor
- Employment and Training Administration
- Health and Human Services
- Colorado Department of Labor and Employment
- Colorado Department of Human Services
- Pikes Peak Work Force Center



3.3.6 Mitigation for the Proposed Action

Neither the potential displacement nor other environmental impacts, including increased noise levels, associated with the Proposed Action are disproportionately higher and more adverse to the identified low-income and minority populations than to the surrounding community. Thus, special mitigation actions focused towards low-income and minority populations in the project area are not required. Nonetheless, a noise wall is recommended to be constructed at the Crossroads Apartment Complex to protect all tenants (see Figure 3.1-3 *Locations of Recommended Noise Mitigation*).

