

**A. INTRODUCTION**

On February 11, 1994, President Clinton issued Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” This Executive Order is designed to ensure 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.” This chapter describes the population of the area where potential effects could occur as a result of the development of the 50th Street facility, and considers whether any disproportionate effects might occur to minority and low-income populations. It concludes that no disproportionate effects would occur to those populations as a result of any of the alternatives evaluated in this Environmental Assessment.

Executive Order 12898 also requires federal agencies to work to ensure greater public participation in the decision-making process. To this end, the East Side Access Project with the 50th Street facility has a public participation and community outreach program, described in Chapter 19, “Process and Public Participation.”

**B. REGULATORY CONTEXT**

The federal Council on Environmental Quality (CEQ), which has oversight of the federal government’s compliance with Executive Order 12898 and the National Environmental Policy Act (NEPA), developed guidance to assist federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed. Federal agencies are permitted to supplement this guidance with more specific procedures tailored to their particular programs or activities, as the U.S. Department of Transportation (USDOT) has done.

As set forth in the CEQ’s guidance document, *Environmental Justice Guidance under the National Environmental Protection Act*, December 1997, the CEQ’s methodology involves collecting demographic information on the area where the project may cause high and adverse effects; identifying low-income and minority populations in that area using census data; and identifying whether the project’s high and adverse effects are disproportionately high and adverse on the low-income and minority populations in comparison to those on other populations. Any disproportionately high and adverse effects on minority and/or low-income populations should then be one of the factors the federal agency considers in making its finding on the project.

The USDOT’s *Final Order on Environmental Justice* (April 1997) establishes the procedures for the USDOT to use in complying with Executive Order 12898. The order applies to all of USDOT’s operating administrations, including the Federal Transit Administration (FTA). As set forth in the order, FTA must take several steps to determine whether the project would have

disproportionately high and adverse effects on minority and low-income populations. “Disproportionately high and adverse effects” are defined as adverse effects that are predominantly borne by a minority population and/or low-income population or will be suffered by the minority and/or low-income population and are appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the non-minority or non-low-income population.

In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancement measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account, as well as the design, comparative impacts, and relevant number of similar existing system elements in non-minority and non-low-income areas.

### **C. EVALUATION OF POPULATION IN STUDY AREA**

As described in Chapter 4, “Socioeconomic Conditions,” according to New York City Real Property Assessment Data, the area within 400 feet of the project site has four residential buildings, with a total population of 62 people. The 400-foot study area falls into portions of two census tracts. Most of it is within Census Tract 102, which extends from 49th to 56th Street between Park and Fifth Avenues. A portion of the study area falls within Census Tract 94, which extends from 42nd to 49th Street between Vanderbilt and Park Avenues on the east and Fifth Avenue on the west.

The small population of these two tracts, with a total of 320 people, reflects the non-residential nature of Midtown Manhattan. Census Tract 102 has a population of 269 people, and Census Tract 94 has a population of 21. Block Group 1 of Census Tract 102, which extends from 49 to 56th Street between Park and Madison Avenues, has only 17.

The racial, ethnic, and income characteristics of the two census tracts that fall within the 400-foot study area are shown in Table 16-1. This population includes a total minority population for Census Tract 94 of 21 people, or 41.2 percent, and for Census Tract 102 of 28 people, or 10.4 percent, compared with Manhattan’s 54 percent. (Block Group 1 of Census Tract 102 includes 1 minority person and 16 non-minority people.) As shown in the table, the percentage of households living below the poverty level in 1999 (0 percent for Census Tract 94 and 4.3 percent for Census Tract 102) was considerably lower than in Manhattan as a whole (16.6 percent).

As set forth in the CEQ guidance, any area where more than 50 percent of its population is minority is considered a minority community; census tracts where the percentage of the population of a particular racial or ethnic group is “meaningfully greater” than the general area (Manhattan as a whole) should also be noted. Because the CEQ guidance does not suggest a threshold to be used in identifying low-income populations, a tract with a proportion of low-income households that is meaningfully greater than in Manhattan overall is considered to be low-income for purposes of this analysis. In Manhattan, approximately 17 percent of the households live below the federal poverty threshold, so any area with more than 20 percent of its households in poverty was considered to be a low-income area. On this basis, the area within 400 feet of the project site does not house a low-income or minority population.

**Table 16-1**

**Population and Economic Characteristics for Census Tracts  
Within 400-Foot Study Area**

Area	Population							Economic Profile		
	Total	Race and Ethnicity (%)						Number of Households	Median Household Income (\$1999)	Households in Poverty (%) <sup>5</sup>
		White <sup>1</sup>	Black <sup>1</sup>	Asian <sup>1</sup>	Other <sup>1,2</sup>	Hispanic <sup>3</sup>	Total Minority <sup>4</sup>			
Census Tract 94	51	58.8	5.9	7.8	21.6	5.9	41.2	31	15,947	0.0
Census Tract 102	269	89.6	0	2.2	0.7	7.4	10.4	147	174,119	4.3
Manhattan	1,537,195	45.8	15.3	9.3	2.4	27.2	54.2	739,167	\$47,030	16.6

**Notes:**

<sup>1</sup> White, Black, Asian, and Other population may be Hispanic and non-Hispanic (see note 3). This table lists only Non-Hispanic population in these columns.

<sup>2</sup> "Other" includes residents of American Indian, Alaska Native, Native Hawaiian and Other Pacific Islander descent, as well as those respondents who did not identify with any listed racial groups (White, Black, Asian), or who indicated that they are of more than one race defined in the Census.

<sup>3</sup> The Hispanic category consists of those respondents who classified themselves in one of the several Hispanic Origin categories in the Census questionnaire. People of this ethnic group may be any race (see Note 1).

<sup>4</sup> The total minority population includes all Blacks, Asians, Other, and Hispanic Whites.

<sup>5</sup> Percent of households with incomes below established poverty level, as defined by the U.S. Census Bureau.

**Source:**  
U.S. Department of Commerce, Bureau of Census, U.S. Census of Population and Housing, 2000, SF1 for total population, race, and ethnicity; SF 3 for median income, households, and poverty.

## D. CONCLUSIONS

The other chapters of this Environmental Assessment conclude that neither Alternative B, C, nor Preferred Alternative D would result in significant adverse impacts during construction or operation. Further, the area around the project site is not home to minority or low-income populations. Therefore, none of the build alternatives would result in disproportionately high and adverse effects on minority populations or low-income populations and no additional analysis is warranted. \*