

ATTACHMENT C – ENVIRONMENTAL JUSTICE

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**TO:** Shari Cannon-Mackey, Burns & McDonnell

**FROM:** Jennifer Bell and Angie Woehler, Burns & McDonnell

**DATE:** May 25, 2018

**SUBJECT:** Kansas City Streetcar Riverfront Extension Project: Environmental Justice Technical Memorandum

## 1.0 INTRODUCTION AND METHODOLOGY

This technical memorandum describes the existing socioeconomic conditions within the Kansas City Downtown Streetcar Riverfront Extension Project (Project) study area and discusses the potential environmental justice effects of extending the existing streetcar line to Berkley Riverfront. The Project is located in the City of Kansas City, Missouri (City). The study area for the community effects assessment is comprised of a one-quarter mile buffer around the proposed route alignment (see Figure 1). A demographic profile of the study area was developed with data from the 2012-2016 American Community Survey 5-Year Estimates.

## 2.0 ENVIRONMENTAL JUSTICE ANALYSIS

### 2.1 Population and Race/Ethnicity

Based on 2016 Census geography, five census block groups overlap the study area. However, only two were selected for the analysis, because the small portions of the three additional block groups that overlap the study area, to the north and southwest, contain only the Missouri River or I-70 and are unpopulated (see Figure 2). Table 1 lists the 2016 Census population and race/ethnicity data of residents in the study area census block groups and in the City as a whole. A detailed breakdown of the population and race/ethnicity in the study area census block groups is provided in Table A-1 in the Appendix to this memorandum.

**Table 1: Population and Race/Ethnicity**

	<b>Kansas City, Missouri</b>	<b>Study Area<sup>1</sup></b>
<b>Total Population</b>	<b>471,767 residents</b>	<b>3,787 residents</b>
<i>Race/Ethnicity of Residential Population</i>		
White	60.1%	68.2%
Black or African American	29.1%	20.3%
American Indian or Alaskan Native	0.4%	2.5%
Asian	2.6%	5.8%
Native Hawaiian or Pacific Islander	0.1%	0.0%
Some Other Race	4.4%	2.3%
Two or More Races	3.3%	0.9%
Hispanic	10.0%	7.2%
<b>Total Minority<sup>2</sup></b>	<b>44.6%</b>	<b>36.8%</b>

Source: U.S. Census Bureau, 2016

<sup>1</sup>Table includes data for two census block groups that intersect the study area.

<sup>2</sup>“Total Minority” is calculated by adding the populations for all non-white races and the population for white-Hispanic.

Figure 2: Study Area

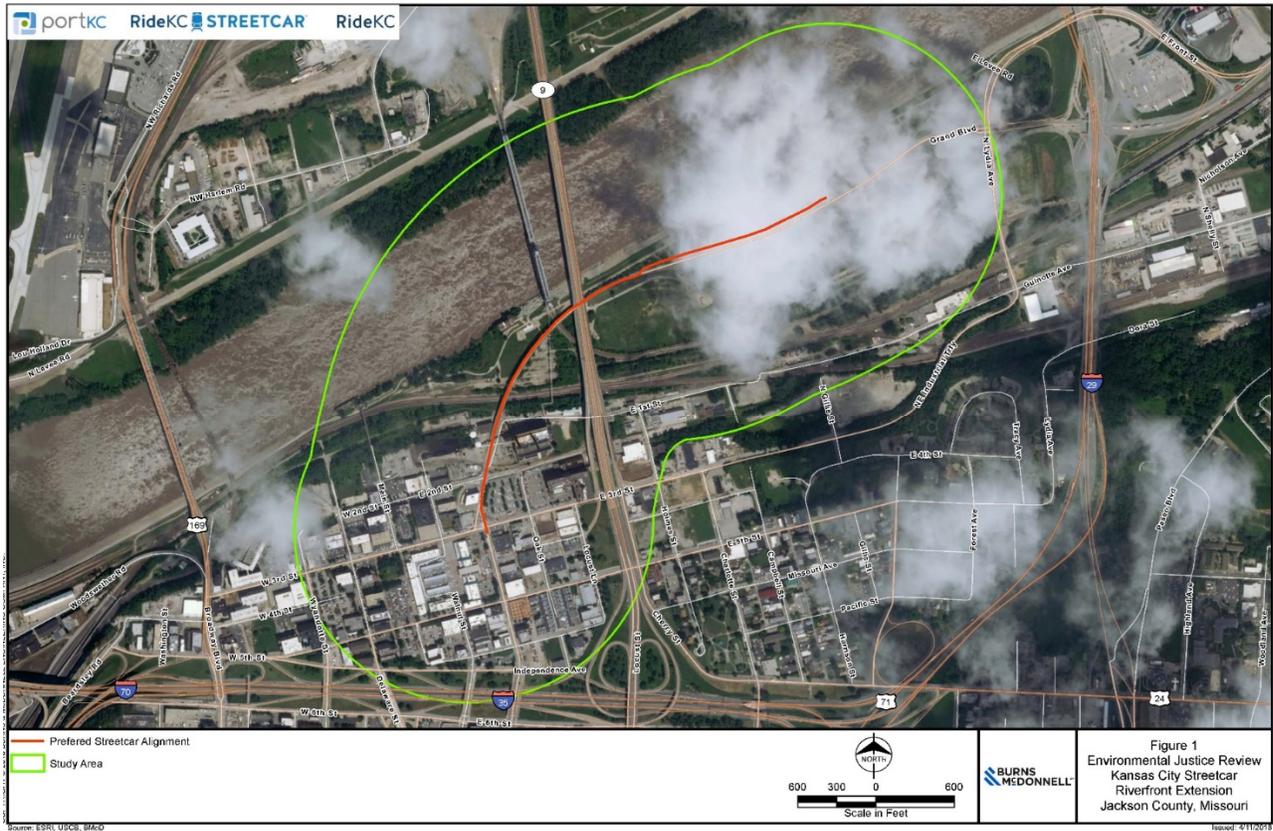
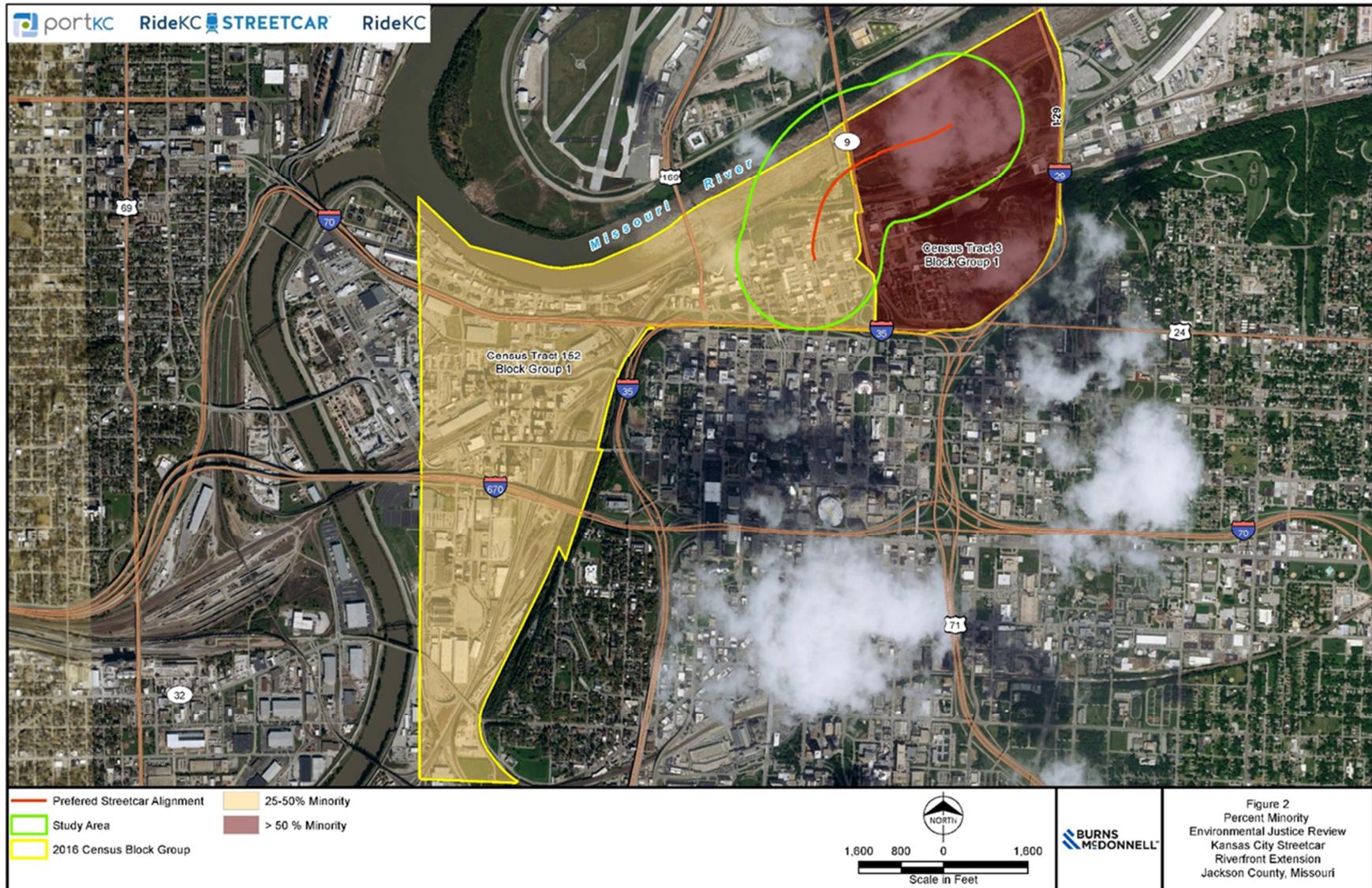


Figure 2: Census Block Groups



The study area has a population of 3,787 people with approximately 37 percent of that population (1,425 persons) belonging to a minority group.<sup>1</sup> Black/African American residents comprise the largest minority group in the study area, and Hispanic residents comprise the second largest minority group. The study area has a lower percentage of minority residents in comparison to the City as a whole.

## 2.2 Income and Poverty

Based on the U.S. Census Bureau's American Community Survey 5-year estimates for 2012-2016, the median household income for the City as a whole is \$47,489 up from the \$44,113 median household income from 2006-2010 estimates used in the original KC Downtown Streetcar initial route analysis in 2012. Median household incomes for the study area census block groups are \$26,625 and \$51,654. Within the study area, Block Group 1 of Census Tract 152 has a median household income that is higher than the citywide average. The percent of the population that is below the poverty threshold<sup>2</sup> in the study area is 23.5 percent, compared to 18.3 percent for the City as a whole. Table A-2 in the Appendix provides detailed data on income and poverty for the census block groups that intersect the study area.

## 2.3 Environmental Justice

Environmental justice concerns may arise if a Federal action were to result in disproportionate adverse human health or environmental effects on minority or low-income populations. Executive Order (EO) 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations* was issued in 1994 with the goal of achieving environmental protection for all communities. A Presidential Memorandum accompanying the EO directed agencies to incorporate environmental justice concerns in their National Environmental Policy Act (NEPA) processes and practices. EO 12898 states:

*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.*

The U.S. Department of Transportation (DOT) issued DOT Order 5610.2 in 1995, which states the department's strategy to ensure compliance with EO 12898. The DOT issued an update to its environmental justice compliance strategy, DOT Order 5610.2(a), in 2012. The updated DOT Order sets forth steps to prevent disproportionately high and adverse effects to minority or low-income populations and describes specific measures to address instances of disproportionately high and adverse effects.

To identify potential environmental justice issues, it is necessary first to determine whether minority or low-income populations present in the study area constitute environmental justice communities of concern. The Council on Environmental Quality (CEQ) and DOT guidance define "minority" as individuals who are members of

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<sup>1</sup> "Minority" is defined as individual(s) who are members of the following population groups: Black or African American, Asian, American Indian or Alaskan Native, Native Hawaiian or Pacific Islander, or Hispanic (regardless of race) (CEQ, 1997; DOT Order 5610.2(a)).

<sup>2</sup> Poverty thresholds are reported in this memorandum based on data from the U.S. Census Bureau, 2012-2016 American Community Survey. The U.S. Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is in poverty (U.S. Census Bureau, 2016). If a family's total income is less than the applicable threshold, then that family and every individual in it is considered in poverty. For example, Family A has four members consisting of two adults and two children, and the total income of all family members was \$20,000 in 2016. The 2016 poverty threshold for a family of four with two children was \$24,339, and therefore, Family A (and every individual in this family) is considered "in poverty" according to the U.S. Census Bureau official definition.

the following population groups: Black or African American, Asian, American Indian or Alaskan Native, Native Hawaiian or Pacific Islander, or Hispanic. CEQ guidance states that, for the purposes of an analysis of potential environmental justice issues, minority populations should be identified when the percent of minority residents in the affected area exceeds 50 percent or is meaningfully greater than the percent of minority residents in the general population (CEQ, 1997; DOT Order 5610.2(a)). The CEQ guidance also states that low-income populations should be identified based on poverty thresholds as reported by the U.S. Census Bureau.

For the purposes of the analysis, environmental justice populations are identified when the percent of minority residents in the census block groups that intersect the study area exceeds 50 percent.<sup>3</sup> This report examines race/ethnicity data at the census block group level, which is the smallest geographic unit for which current census data is readily available. Table A-1 in the Appendix reports the percent minority for each of the study area census block groups.

Environmental justice populations are also present when the percent of residents living below the poverty level in the census block groups that intersect the study area is “meaningfully greater” (defined as more than 10 percentage points) than the percent of individuals living below the poverty level in the City as a whole. In the City, 18.3 percent of the population is below the poverty level; therefore, census block groups in which greater than 28.3 percent of the population is below the poverty level would be identified as environmental justice populations. The census block group level is the smallest geographic unit for which current income census data is readily available. Table A-2 in the Appendix reports the percent of the population below the poverty level for each of the study area census block groups.

Table 2 summarizes the minority and low-income environmental justice populations in the study area, based on the methodology discussed above.

**Table 2: Environmental Justice Populations in the Study Area**

<b>Environmental Justice Communities</b>	<b>Total Persons</b>	<b>Percent Minority<sup>1</sup> or Below Poverty</b>
<b><i>Minority Populations</i></b>	<b><i>Total Persons</i></b>	<b><i>Percent Minority</i></b>
Reference: Kansas City, Missouri	471,767	44.6
Census Tract 3, Block Group 1	1,574	51.9
Census Tract 152, Block Group 1	2,213	26.1
<b><i>Low-Income Populations</i></b>	<b><i>Total Persons</i></b>	<b><i>Percent Below Poverty</i></b>
Reference: Kansas City, Missouri	471,767	18.3
Census Tract 3, Block Group 1	1,574	42.8
Census Tract 152, Block Group 1	2,213	10.8

Source: U.S. Census Bureau, 2010a and 2010b

<sup>1</sup>“Total Minority” is calculated by adding the populations for all non-white races and the population for white-Hispanic

<sup>3</sup> The City as a whole is comprised of 44.6 percent minority residents. Census block groups with minority populations that are “meaningfully greater” (typically defined as more than 10 percentage points) than the percent of minority residents in the City as a whole would also exceed 50 percent. Therefore, the criterion of “exceeds 50 percent” recommended in the CEQ guidance is utilized for the environmental justice analysis.

One of the census block groups (Block Group 1 in Census Tract 3) is considered a minority environmental justice population, as shown in Table 2. Minority populations in these census blocks predominantly include Black or African American, Hispanic, and Asian residents.

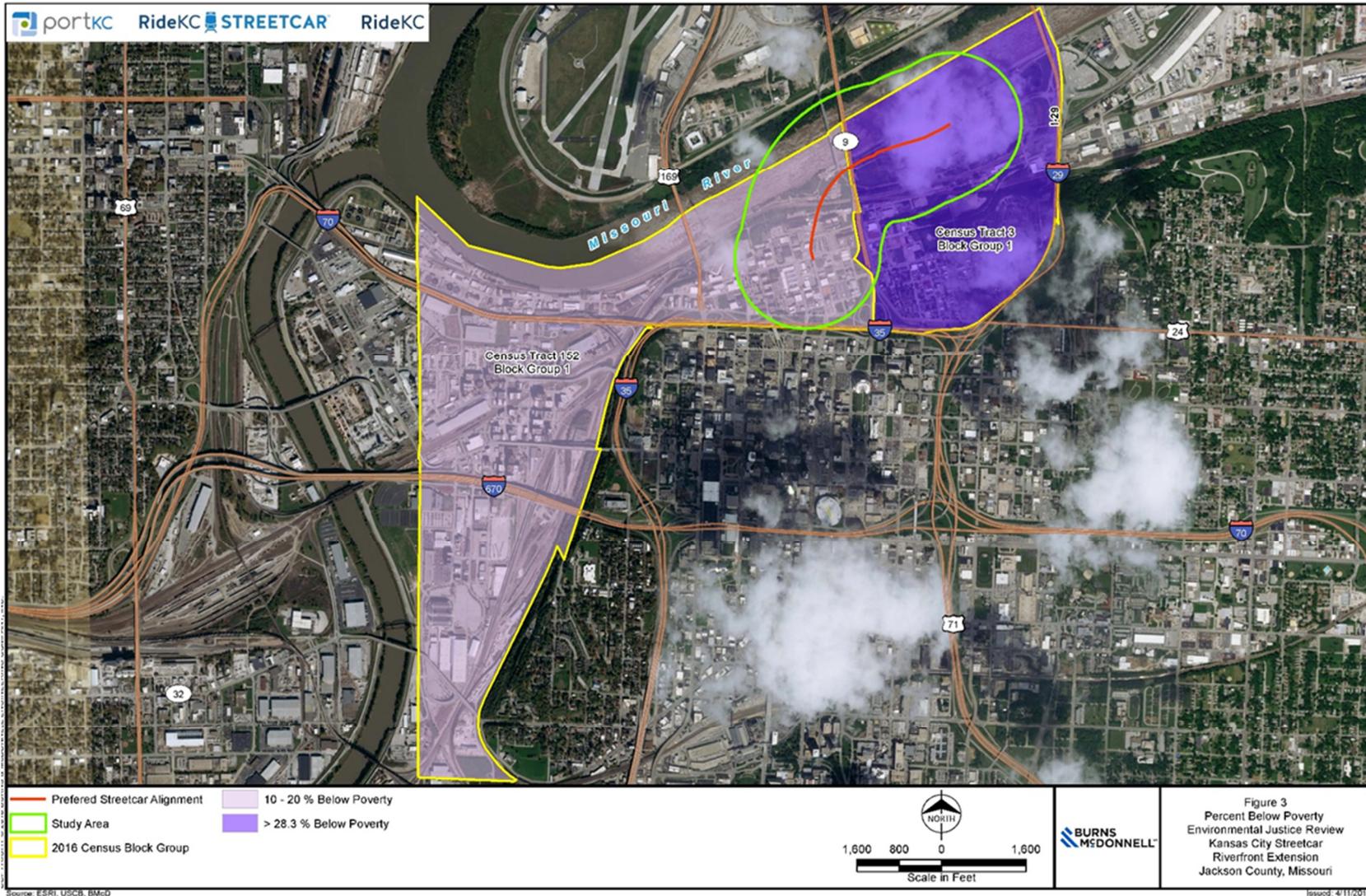
There is one census block group identified as a low-income environmental justice population within the study area; Block Group 1 in Census Tract 3, which includes the Columbus Park neighborhood, consists of 42.8 percent low-income residents (see Figure 3).

Because both minority and low-income environmental justice populations are within the study area, an environmental justice analysis is necessary to determine if the alternatives would result in a disproportionately high and adverse impact to the identified populations. The majority of the environmental justice communities of concern shown in Table 2 are located within the Columbus Park neighborhood. The initial KC Downtown Streetcar line extends through the Columbus Park neighborhood. This neighborhood is a part of the Census Tract 3, Block Group 1 used in this and the 2012 analysis conducted for the downtown streetcar line. The proposed riverfront extension however, is located within the Berkley Riverfront, a portion of this block group that is currently not developed. The existing Columbus Park neighborhood is separated from the Berkley Riverfront by active rail lines and the Columbus Park Industrial Park. Effects on the environmental justice populations within the Columbus Park neighborhood would be purely secondary and not direct as none of the residences are close to the line. Due to the undeveloped nature of the area where construction and streetcar operation would take place, no disproportionate or adverse effects on environmental justice populations are anticipated. Development of the streetcar line would result in beneficial effects to these populations as they would have better access to reliable transportation. The purpose of the line is to provide strong connectivity between the riverfront and downtown activity centers that support economic development and enhance community livability. The line will also provide non-automobile connection options into the “string” of downtown districts from Union Station to the Riverfront, which will serve these populations through accessible and affordable transportation from the downtown area to the riverfront. The line will also better serve parking demand in the downtown and river market areas by connecting it with transit demand and slow the growth of automobile congestion in the downtown area.

Based on the above discussion and analysis, the Streetcar Alternative would not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of EO 12898 and DOT Order 5610.2(a). Therefore, no further environmental justice analysis is required.

**Title VI of the Civil Rights Act.** Title VI of the Civil Rights Act of 1964 states 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.” Federal Transit Administration (FTA) Circular 4702.1(a), entitled *Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients*, provides guidance to help recipients of FTA financial assistance comply with Title VI regulations. Title VI regulations require that FTA recipients evaluate public transportation improvements to determine whether such changes would have a discriminatory impact. In addition to Title VI, there are other nondiscrimination statutes that afford legal protection, including Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990, which prohibits discrimination based upon disability.

Figure 3: Percent Population Below Poverty



On July 25, 2012, the City and the Department of Justice (DOJ) signed an agreement to ensure civic access for people with disabilities under Title II the American's with Disabilities Act.<sup>4</sup> The agreement requires the City to make accessibility modifications to sidewalks, pedestrian crossings, transportation stops, and curb ramps. The City will work with the disabled community to prioritize and complete these modifications within the next six years. The DOJ will actively monitor compliance with the agreement to ensure the required actions have been completed.

The Project would improve transit access via the Streetcar service without regard to race, color, national origin, sex, age, or disability. Full and fair public participation in the planning and decision-making process was also promoted without regard to race, color, national origin, sex, age, or disability. As indicated in the environmental justice discussion, above, the Streetcar Alternative would provide an additional transit option to minority populations within the downtown core, including individuals that are Black or African American, Asian, and Hispanic. The Streetcar Alternative would provide improved transit access for disabled, limited mobility, and elderly persons within the population by providing level or nearly level boarding at Streetcar stops.

### 3.0 REFERENCES

Americans with Disabilities Act of 1990, as Amended, 42 U.S.C. 12101 *et seq.*

Council on Environmental Quality. (1997, December 10). *Environmental Justice: Guidance Under the National Environmental Policy Act*. Washington, D.C.: Council on Environmental Quality.

Executive Order 12898. (1994, February 11). *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

Federal Transit Administration Circular 4702.1(a). (2007, May 13). *Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients*.

National Environmental Policy Act of 1969, as Amended, 42 U.S.C. 4321 *et seq.*

Title VI of the Civil Rights Act of 1964, as Amended, 42 U.S.C. 2000d.

U.S. Census Bureau. (2016a). American FactFinder. *2012-2016 American Community Survey 5-year estimates*. <http://factfinder2.census.gov> (accessed April 2018).

U.S. Census Bureau. (2012). Poverty: How the Census Bureau Measures Poverty. <http://www.census.gov/hhes/www/poverty/about/overview/measure.html> (accessed April 2018).

U.S. Department of Transportation Order 5610.2. (1997, April 15). *Order to Address Environmental Justice in Minority Populations and Low-Income Populations*.

U.S. Department of Transportation Order 5610.2(a). (2012, May 2). *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

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<sup>4</sup> *Settlement Agreement Between the United States of America and the City of Kansas City, Missouri Under the Americans with Disabilities Act, DJ 204-43-195; July 25, 2012.*

## APPENDIX A: CENSUS DATA TABLES

Table A-1: Percent Population Below Poverty

	Total Population	White	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Pacific Islander	Some Other Race	Two or More Races	Hispanic	Total Minority <sup>2</sup>
<b>Regional</b>										
Kansas City, Missouri	471,767	60.1%	29.1%	0.4%	2.6%	0.1%	4.4%	3.3%	10.0%	44.6%
<b>Study Area</b>										
Census Tract 3, Block Group 1	1,574	56.8%	30.7%	0.4%	8.8%	0	1.8%	1.5%	10.2%	51.9%
Census Tract 152, Block Group 1	2,213	76.3%	12.9%	3.9%	3.8%	0	2.7%	0.4%	5.1%	26.1%
<b>Total in Study Area:</b>	<b>3,787</b>	<b>68.2%</b>	<b>20.3%</b>	<b>2.5%</b>	<b>5.8%</b>	<b>0</b>	<b>2.3%</b>	<b>0.9%</b>	<b>7.2%</b>	<b>36.8%</b>

Source: U.S. Census Bureau, 2016

<sup>1</sup>2016 Census Block Groups in Jackson County, Missouri; table includes two census block groups that intersect the study area

<sup>2</sup>"Total Minority" is calculated by adding the populations for all non-white races and the population for white-Hispanic

Table A-2: Income and Poverty in 2016 for Study Area Block Groups

	Median Household Income	Percent of Population Below Poverty
<b>Regional</b>		
Kansas City, Missouri	\$47,489	18.3%
<b>Study Area</b>		
Tract 3 Block Group 1	\$26,625	42.8%
Tract 152 Block Group 1	\$51,654	10.8%
<b>Total in Study Area:</b>	<b>N/A</b>	<b>23.5%</b>

Source: U.S. Census Bureau, 2016

<sup>1</sup>2016 Census Block Groups in Jackson County, Missouri