



 **WASCITO**

CIVIL RIGHTS TRAINING SYMPOSIUM | AUSTIN 2019



Title VI Best Practices – Case Studies

March 6, 2019

A photograph of the Austin skyline at sunset, with buildings reflected in a body of water. A bridge is visible on the left side of the image.

Nichole McWhorter
Kevin Resler

Federal Highway Administration

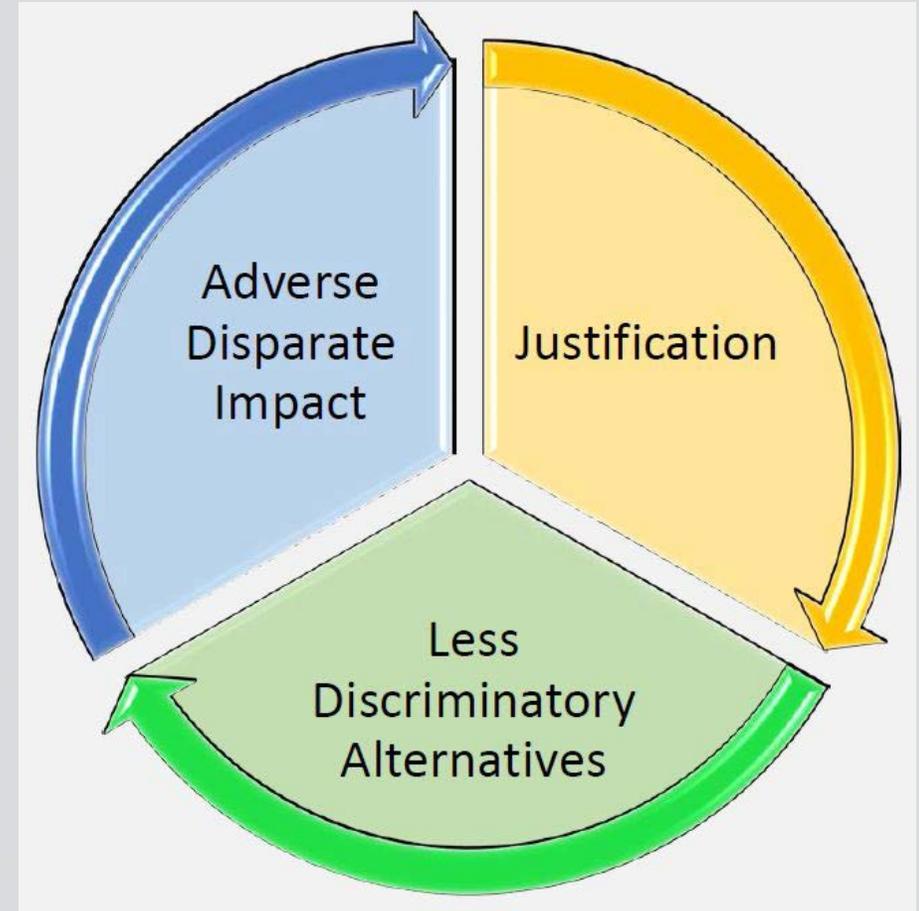
Christopher Amy

Texas Department of Transportation

Disparate impact

What are the elements of disparate impact?

1. Facially neutral procedure or practice;
2. Disproportionate, adverse impact based on race, color, or nat'l origin on a population or populations; and
3. Practice lacks a substantial legitimate justification.
 - Causal connection between policy and the impact. Often through statistical data.
 - No less discriminatory alternative.



Corpus Christi

Porter v. Texas Dept. of
Transportation





SHIP CHANNEL/INNER HARBOR
PORT OF CORPUS CHRISTI

HARBOR
BRIDGE

WEST

Whataburger
Field

RED

MUSEUM
DISTRICT

Hillcrest
Neighborhood

Hillcrest Cemetery

ORANGE

Heritage
Park

US District
Courthouse

ED WESTERN LIMIT
RIVER RD.

NUCES BAY BRIDGE

Bayview Cemetery

Dr. H. J. Williams
Memorial Park

Washington
Coles
Neighborhood

781
35

TC Ayers Park

Overal Williams
Senior Center

Old Nueces County
Courthouse

Old Bayview
Cemetery Park

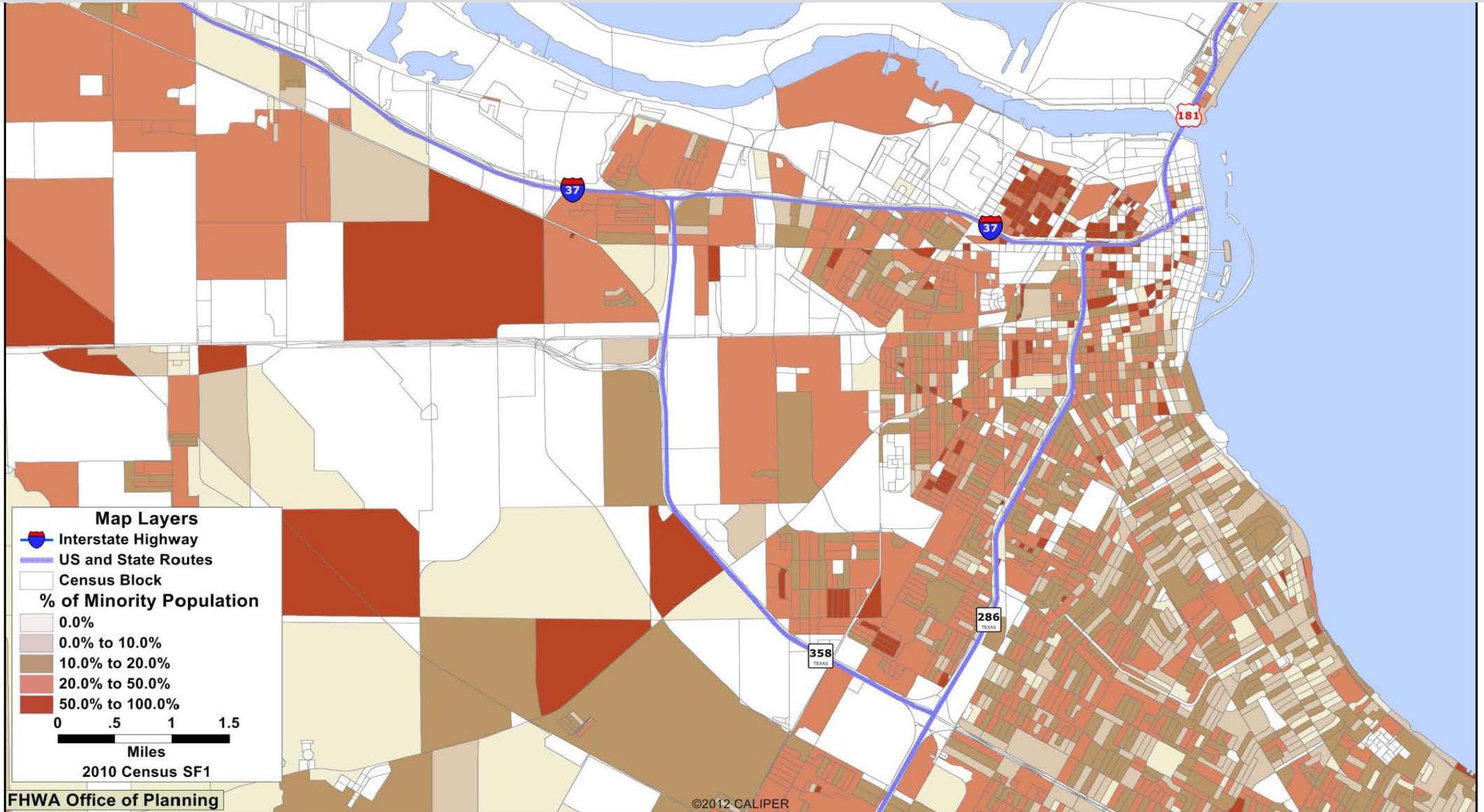
Corpu

37

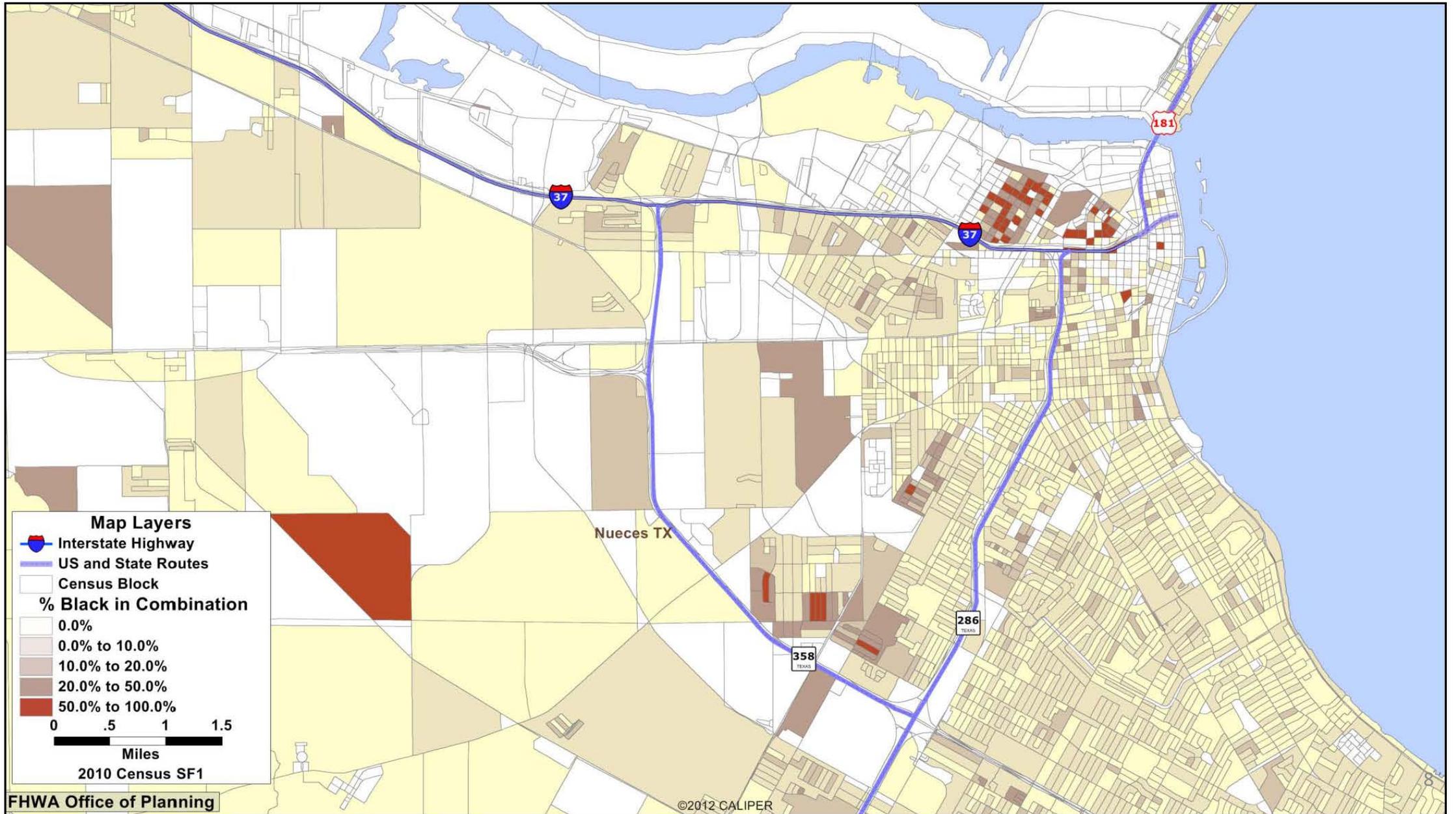
Lovenskiold Park

Downtown

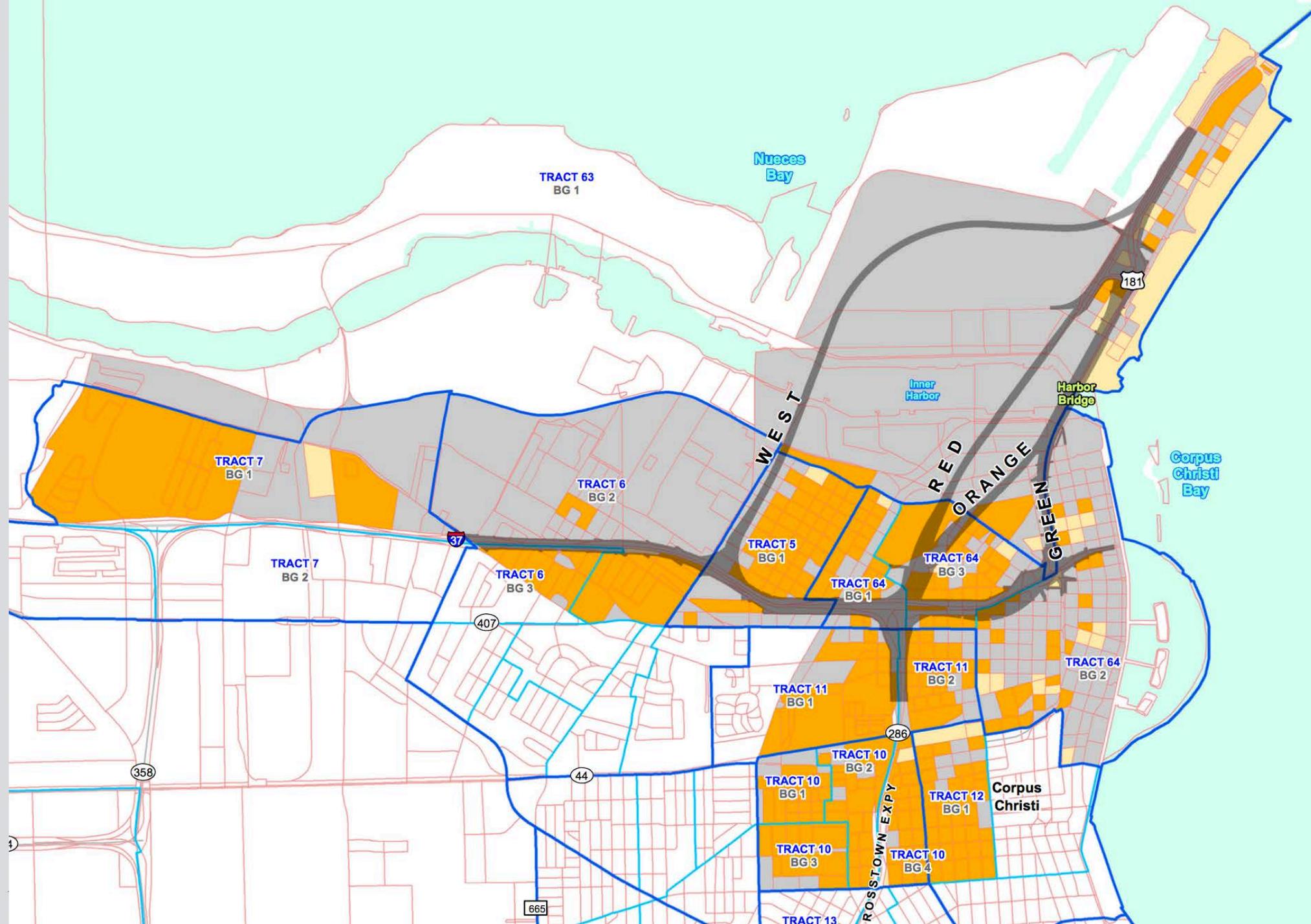
% MINORITY POPULATION – HARBOR BRIDGE TITLE VI ANALYSIS



% BLACK POPULATION – HARBOR BRIDGE TITLE VI ANALYSIS



2010 Minority Populations

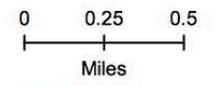


Key to Features

- Proposed Build Alternatives
- 2010 Census Tracts
- 2010 Census Block Groups
- 2010 Census Blocks

Minority Populations

- No Persons
- Less than 50%
- 50% or More within Project Area Communities



“As defined by the Council on Environmental Quality (CEQ) report, Environmental Justice Guidance Under the National Environmental Policy Act, **a minority population 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.”

”According to data from the 2010 Census, of the 82 populated blocks adjacent to or intersected by one or more of the proposed build alternatives, **68 blocks have a minority population greater than 50 percent, and two blocks have a minority population of exactly 50 percent. These 70 blocks are identified as minority populations for the purposes of this analysis.**”

Final Environmental Impact Statement – US 181 Harbor Bridge – November 2014, pp. 3-33, 34.

Selected excerpts

- In Chapter 6 of the FEIS, TxDOT's FEIS stipulates the impact of past siting decisions on the Northside communities. TxDOT acknowledges that both the Red (Preferred) and Orange Alternatives “would contribute to separation of these neighborhoods already challenged to maintain community cohesion and interconnectivity with the rest of the city, stemming primarily from the barrier presented by I-37,”

Voluntary settlement agreement

- Voluntary Acquisition Program
- Relocation Benefits Program
- Voluntary Restrictive Covenant Program
- Voluntary Life Estate Program
- Additional Low-Income Housing Assistance

DENVER I-70

CdeBaca v. Colorado Dept. of Transportation



Allegations made by the complainant

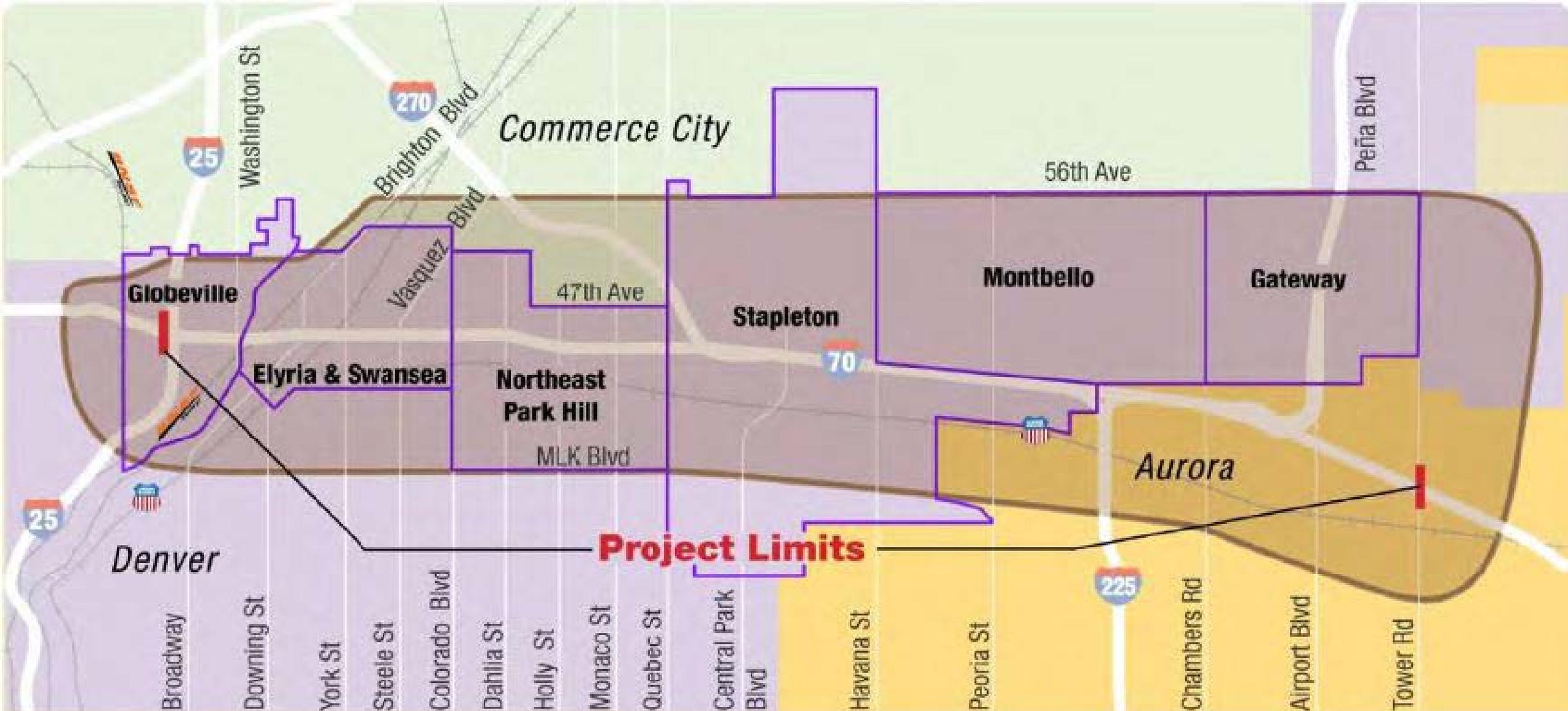
- Approval of STIP, which allowed Project to move forward, led to disparate, adverse impacts on the predominantly Hispanic residents of Globeville and Elyria-Swansea, established minority neighborhoods divided by the construction of I-70 beginning in 1953.
- Respondent's proposed mitigation strategies for the preferred alternative are insufficient to offset the disparate, adverse impacts to the Hispanic communities.
- Respondent process for selecting the preferred alternative lacked adequate consultation with Hispanic communities in the Project area.
- Even if Respondent can offer substantial, legitimate justification for its selection of the preferred alternative, Respondent failed to adequately analyze a proposal to reroute I-70, which is a less discriminatory alternative that meets the Respondent's legitimate needs, but that will do so without the same level of disparate effect on a class protected by Title VI.

The current viaduct



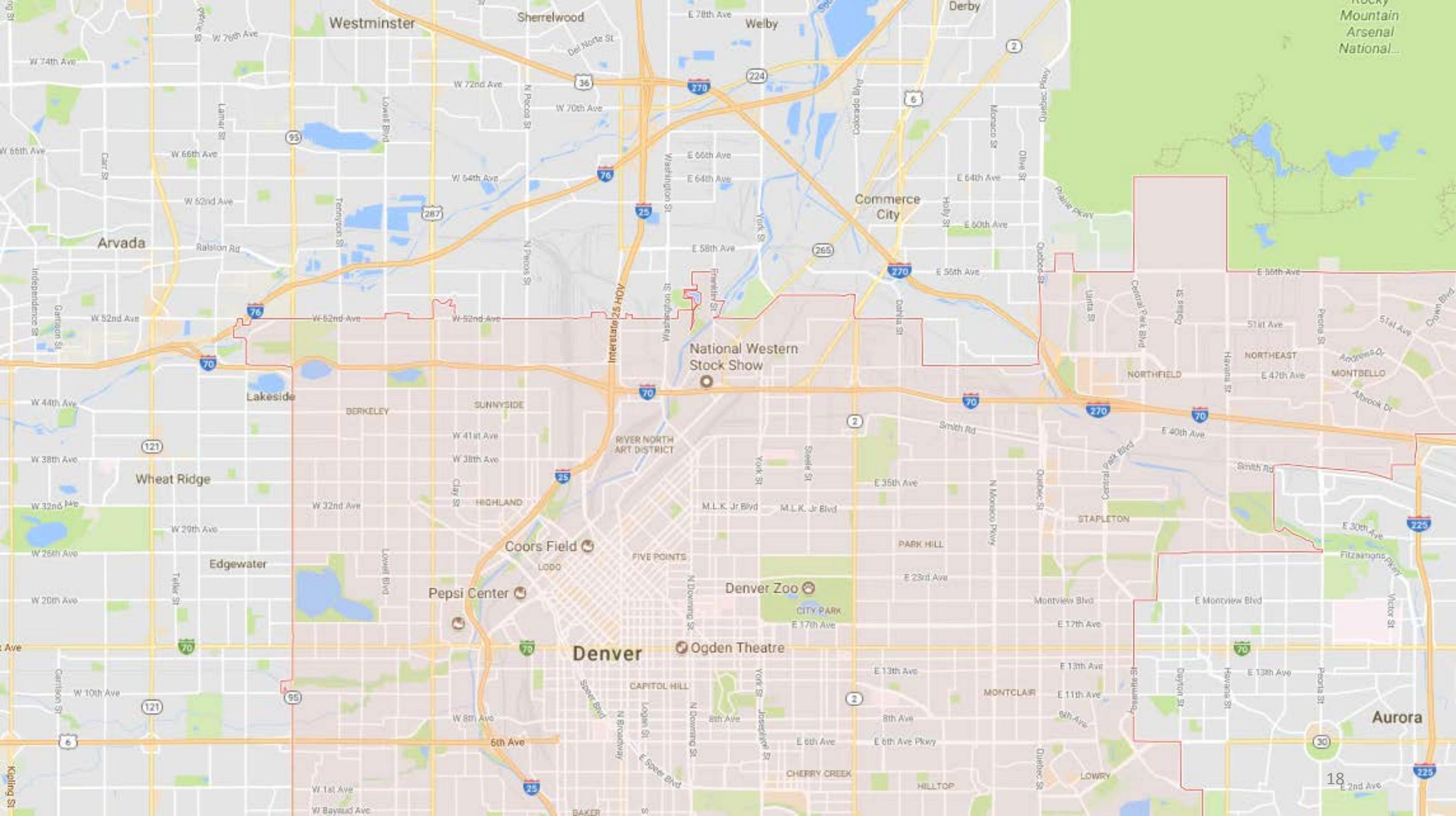
Proposed new project





Project Limits

- Project area
- Neighborhood boundaries
- Freight railroads



Westminster

Sherrelwood

Welby

Derby

Rocky Mountain Arsenal National...

Arvada

Commerce City

National Western Stock Show

Lakeside

Wheat Ridge

Edgewater

Coors Field

Pepsi Center

Denver Zoo

Ogden Theatre

Denver

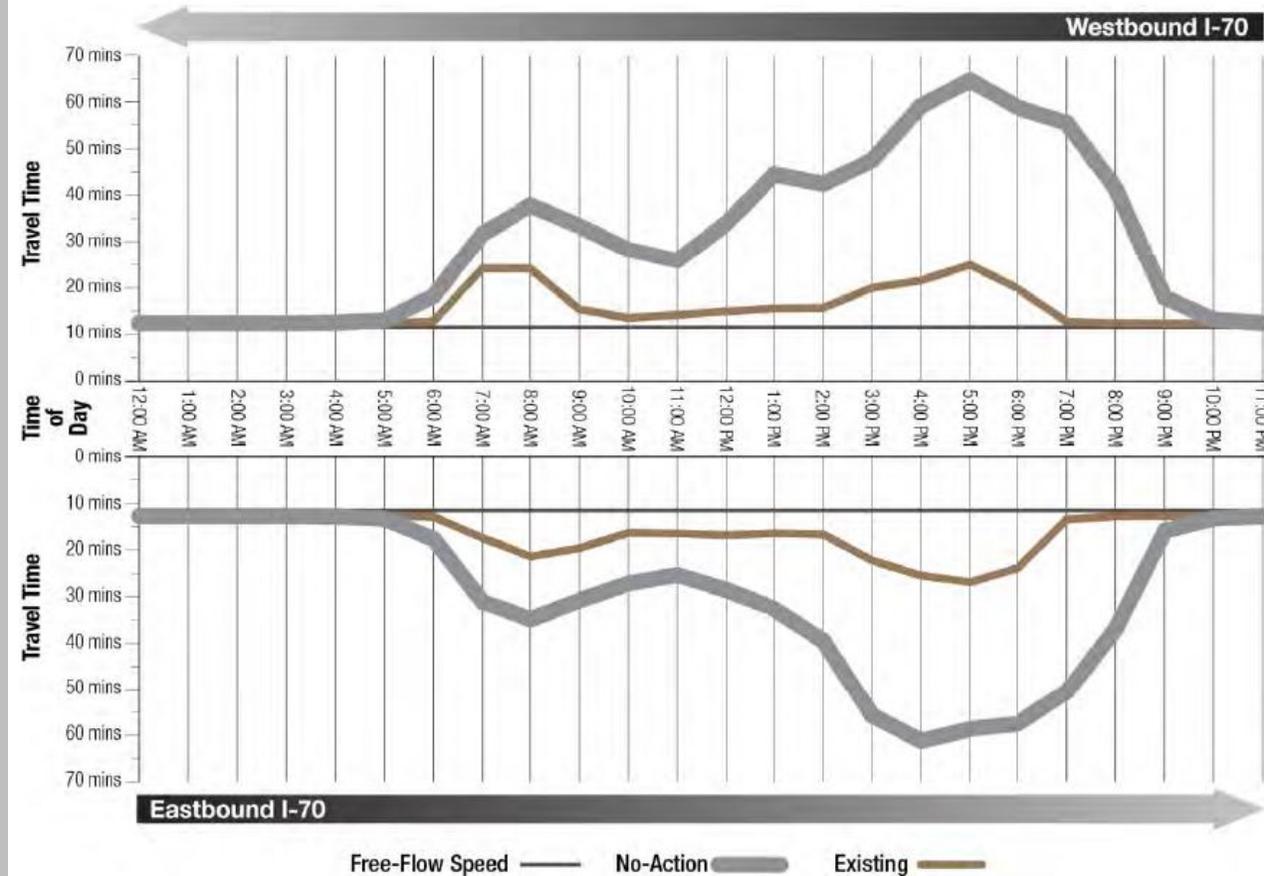
Aurora

18

PURPOSE AND NEED

- FEIS demand models forecast a 42% increase in population growth and 58% increase in employment through 2035, with continued housing and industrial development in the corridor, along with airport expansion and growth of tourist destinations
- Nine structures along corridor are beyond anticipated lifespan and either structurally deficient or functionally obsolete

I-70 Travel Demand Model: “no action” vs. Existing



Project area demographics

Neighborhood	Total Population	Not Hispanic or Latino	Hispanic or Latino	Percentage Hispanic or Latino
Globeville	3551	1373	2178	61.33%
Elyria and Swansea	6676	1142	5534	82.89%
Northeast Park Hill	9086	6363	2723	29.97%
Stapleton	17,626	15,527	2099	11.91%
Montbello	34,483	13,286	20,897	60.60%
Aurora	7380	3998	3382	45.83%
Gateway	7545	4117	3428	45.43%

Selected impacts

Right of Way / Relocations

Alternative/Option	Residential Relocations		
	Total Residential	Owner-Occupied ¹	Tenant-Occupied
No-Action Alternative, North Option	15	7	8
No-Action Alternative, South Option	13	3	10
Revised Viaduct Alternative, North Option	38	16	22
Revised Viaduct Alternative, South Option	44	11	33
Partial Cover Lowered Alternative	56	21	35

Noise Impacts



Points shown represent locations that can model multiple receptors.

- NAC Category B or C, <66 dBA
- NAC Category B or C, ≥66 dBA
- NAC Category E, <71 dBA
- NAC Category E, ≥71 dBA
- Construction limits



Points shown represent locations that can model multiple receptors.

- NAC Category B or C, <66 dBA
- NAC Category B or C, ≥66 dBA
- NAC Category E, <71 dBA
- Construction limits
- Highway cover limits

Selected impacts

Air Quality

1. Preferred alternative projected to reduce Elyria-Swansea residents' exposure to emissions and air toxics by alleviating congestion in the community when compared to other alternatives for the project, including the "no action" alternative.
2. Project in attainment/maintenance area for PM2.5, PM10, and ozone.

Less discriminatory alternative –
Complainant re-route proposal



COMPLAINANT RE-ROUTE PROPOSAL

- Adds 2 – 4 extra miles of out-of-direction travel
- Would not alleviate projected east-west congestion
- Increases surface street congestion by many times in north- and south-east

Visual of Expected Change in Daily Traffic for Six Lane Option Reroute

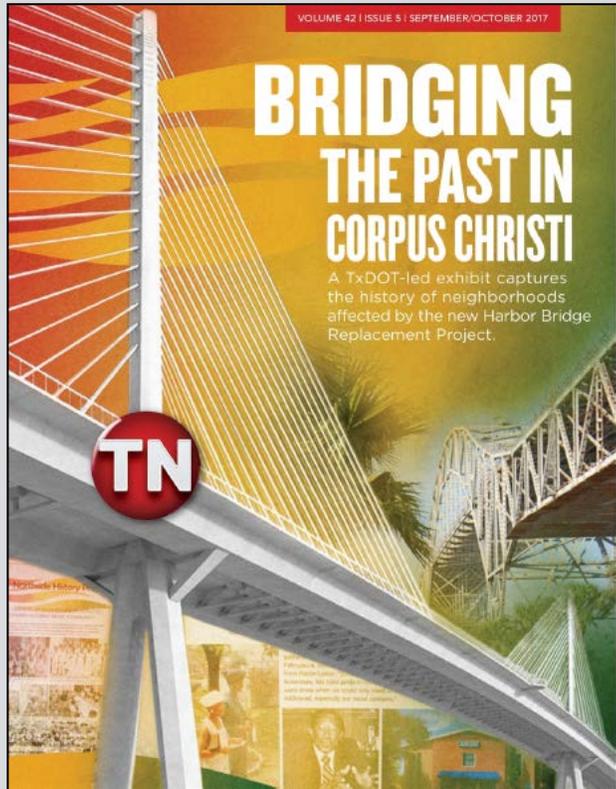


Conclusion from Letter of Finding

1. Insufficient evidence Project will create adverse, disparate impacts. Even if preferred alternative would result in adverse, disparate impacts, Respondent provided a substantial legitimate justification for its actions and shown that a less discriminatory alternative has not been identified.
2. In addition, mitigation provided by the CDOT further reduced the impacts to the surrounding communities while providing a number of benefits directly to impacted Hispanic neighborhoods.

Title VI Case Study – Harbor Bridge

Community Outreach



2 Party Agreement

- TxDOT
- FHWA

4 Party Agreement

- TxDOT
- Port of Corpus Christi
- City of Corpus Christi
- City of Corpus Christi Housing Authority

H·A·R·B·O·R B·R·I·D·G·E
P R O J E C T

Voluntary Resolution Agreement



Voluntary Acquisition Program

Property Owners (Owner Occupied and Landlords)	
Letter of Interest Received	368
Program Eligibility	297
Program Participation	81%
Appraisals Ordered	315
Relocation Packages Presented	278
Offers Accepted	254
Scheduled Closing	7
Parcels Acquired	218

Tenant Relocation	
Tenants Packages	125
Tenants in Escrow	17

Before



After



Before



After



Before



After





HARBOR BRIDGE | CORPUS CHRISTI

Livability Plan

