

*Texas Department of Transportation
Environmental Affairs Division*

Standards of Uniformity for Projects Without Federal Highway Administration Involvement

A Guide to Projects without FHWA Involvement

**Socioeconomic Resources, No Added
Capacity**

Socioeconomic Resources, No Added Capacity

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, sex, and national origin in the provision of benefits and services resulting from federally assisted programs and activities. The Civil Rights Restoration Act of 1987 amended the Civil Rights Act of 1964 (along with the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), to clarify the phrase “program or activity” to mean the entire operations of recipients, whether those operations are federally funded or not. This means that all activities, regardless of funding source, must comply with federal nondiscrimination laws. Title VI applies to every aspect of a state DOT’s processes, requiring state DOTs to provide equal access to transportation-related decisions and processes for all people in the state including equal participation in the public involvement process. Title VI applies to all persons residing in the United States, not just its citizens.

Because of the broad applicability of Title VI, environmental justice and community impacts concerns apply to all projects and following the federal guidance references is recommended to ensure compliance with the requirements of this SOU.

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Community Impacts				
			The document describes the characteristics of the project area population. Either census data or the results of a windshield survey are presented.	<i>Community Impact Assessment – A Quick Reference for Transportation</i> (also known as the “Purple Book”) <i>TxDOT Interim Guidance for Project Level Environmental Justice (EJ) Analysis</i>
1			Income and language characteristics may be presented at the block group level.	
			Census data are presented for each block/block group/census tract and is not aggregated across the project area.	
			Census data are compared to the next larger level (e.g., block-to-block group).	
2			The document identifies any changes in neighborhood or community cohesion resulting from the proposed action.	T6640.8A <i>Community Impact Assessment – A Quick Reference for Transportation</i>
3			The document discusses any changes in access and travel patterns (e.g., vehicular, commuter, bicycle, pedestrian). Changes in travel patterns may result from cutting off streets, introducing a median, increasing automobile dependency, improving pedestrian facilities, altering or changing	T6640.8A <i>Community Impact Assessment – A Quick Reference for Transportation</i>

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			access to public transportation, etc.	
			The EJ (EO 12898) and limited English proficiency (LEP) (EO 13166) discussions address project-specific effects and are customized to this particular action rather than relying on boilerplate text.	Common Comments
			Consideration of potential impacts are not be limited to relocations/ROW acquisition, and consider all other potential effects, including changes in access/travel patterns, noise impacts, access to community facilities and services, transit, etc. The analysis is commensurate to the action and its impacts.	Common Comments
Environmental Justice				
4			<p>The document includes a definition of EO 12898. The following definition may be used:</p> <p><i>Executive Order (EO) 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” requires each Federal agency to “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.” FHWA has identified three fundamental principles of environmental justice:</i></p> <ol style="list-style-type: none"> <i>1. To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations;</i> <i>2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and</i> 	<p>FHWA’s Western Resource Center Interim Guidance for Environmental Justice</p>

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			<i>To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.</i>	
5			<p>The document includes a definition of “disproportionate impacts.” The following definition may be used:</p> <p><i>Disproportionately high and adverse human health or environmental effects are defined by FHWA as adverse effects that:</i></p> <ol style="list-style-type: none"> 1. <i>are predominately borne by a minority population and/or a low-income population; or</i> 2. <i>will be suffered by the minority population 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 population and/or non-low-income population.</i> 	<p>FHWA’s Western Resource Center Interim Guidance for Environmental Justice</p>
6			<p>The document includes the U.S. Department of Health and Human Services’ (HHS) current poverty guideline for a family of four. The current poverty guideline may be accessed at the HHS web site.</p>	<p>FHWA’s Western Resource Center Interim Guidance for Environmental Justice US HHS web site</p>
7			<p>The document clearly identifies any potential Environmental Justice populations/communities that exist in the project area. If none exist, no further discussion is needed, other than a statement of no impact.</p>	<p>Community Impact Assessment – A Quick Reference for Transportation FHWA’s Western Resource Center Interim Guidance for Environmental Justice</p>
8			<p>If an Environmental Justice population is present, the analysis considers the impacts of each alternative (including No-Build) on EJ populations.</p>	<p>FHWA’s Western Resource Center Interim Guidance for Environmental Justice</p>
			<p>The document includes an appropriate comparative discussion of the full range of</p>	<p>Common Comments</p>

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			<p>potential Environmental justice (EJ) impacts. For example, will the impacts to the EJ population be disproportionate because of their low baseline conditions? It is disproportionately high and adverse effects, not population size, that are the basis for environmental justice impacts.</p>	
			<p>The Council on Environmental Quality (CEQ) criteria for determining the presence of an environmental justice (EJ) population, specifically the 50% and "meaningfully greater" criteria, has been supplemented with windshield surveys, interviews with city planners, community leaders, good public involvement, etc., and the following rules have been applied, as appropriate:</p> <ul style="list-style-type: none"> • Projects adding capacity to an existing alignment should use the 50% criterion for screening purposes. • Areas that are 50% or more Minority population including Hispanic persons (all non-white populations based on Table P8 in the U.S. Census) are considered EJ communities. <p>Low-income communities are EJ communities when they are below the Median Household Income as defined by the Department of Health and Human Services for the current year.</p>	Common Comments
			<p>Where relocations/displacements occur, the document provides graphics to show minority and low-income characteristics at the smallest geographic level (block for minority, block group for low-income) to support conclusions as to whether impacts are disproportionate and/or adverse.</p>	Common Comments
Limited English Proficiency				
			<p>The document includes a definition of EO 13166. The following definition may be used:</p> <p><i>EO 13166 "Improving Access to Services for Persons with Limited English Proficiency" requires agencies to examine the services they provide, identify any need</i></p>	

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			<i>for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so that LEP persons can have meaningful access to them.</i>	
10			The document identifies any indicators of LEP populations observed in the field, such as signage in languages other than English.	LEP Policy Guidance for DOT Recipients See also Limited English Proficiency: A Federal Interagency Website Common Comments
11		The document describes any efforts undertaken so far to include the LEP population in the project development process.		
12		The document includes a commitment to make specific efforts to include the LEP population in future public involvement activities. The LEP discussion must describe specific efforts to provide access to LEP individuals for prior public involvement activities, and must describe specific commitments regarding what “reasonable steps” TxDOT will take to provide access for future public involvement activities. Note whether or not an LEP population is present (speaks English less than very well).		
			The LEP discussion identifies the primary language(s) of the LEP population(s).	Common Comments
			The document avoids statements such as “none of the LEP populations would be discriminated against as a result of the proposed project...” Document should discuss LEP in terms of provision of services/equality of access, as emphasized in EO 13166, rather than in terms of direct discrimination to the LEP population.	Common Comments
Land Use and Planning Consistency				
			The document describes existing land use for the project area and the surrounding area influenced by the project and the direct land use changes by acreage. This information should include acreage estimates of existing land uses in the study	T6640.8a

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			area and a specific discussion of the current uses and zoning for land that will be acquired for right-of-way.	
			The document describes the project's relationship to existing comprehensive plans, transportation plans, corridor plans, subarea plans, mobility plans, or other planning documents.	
			The project is part of a planned facility shown on a planning document map.	
			The project includes all of a planned facility shown on a planning document map.	
Right-of-Way Acquisition, Displacements, and Relocations				
13			The document clearly states whether any additional right-of-way is required.	
14			The document clearly identifies any required displacements.	
15			The document includes a map or aerial photo, with locations of any properties to be displaced clearly marked.	
16			The document contains detailed information regarding the number and specific type(s) of properties to be taken (if any).	T6640.8A This federal guidance is recommended to provide details on how to comply with state requirements (43 TAC Chapter 2)
17			If the project involves acquisition of property, the document includes a statement that the acquisition and any relocation will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and that relocation resources are available to all residential and business relocatees without discrimination.	T6640.8A
18			Residential displacements (if any):	

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			<p>The document includes a discussion of the number of households to be displaced and any anticipated relocation problems. Discussion includes:</p> <ol style="list-style-type: none"> 1. Dwelling types(s); i.e., single-family, multi-family, Section 8, or other subsidized housing, etc. 2. Occupancy type (owner/tenant) 3. Resident characteristics <ol style="list-style-type: none"> a. Elderly b. Disabled c. Minorities (racial, ethnic, or religious groups) d. Income level (low, middle, high) e. Large or small families f. Length of occupancy g. Transit dependency h. Limited English speaking 4. Approximate value of properties to be displaced. <p>NOTE: If there are very few displacees, specific information on race, ethnicity, and income levels should not be included to protect the privacy of those affected.</p>	
19			<p>Residential displacements (if any):</p> <p>The document describes available housing in the area, using information from the Multiple Listing Service (MLS) or another reliable indicator (census data are not a reliable indicator of current real estate market conditions). If MLS information is not available, then the document should state this.</p>	
20			<p>The document describes any special advisory services or other services that will be necessary for special relocation problems (if these problems exist).</p>	<p>T6640.8A</p>
21			<p>The document includes a statement of commitment to last resort housing (in cases where sufficient comparable replacement</p>	<p>T6640.8A</p>

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			housing may not be available).	
			<p>Business displacements (if any):</p> <p>The document includes a business analysis on each displaced business focusing on the type of business, persons employed, community served, potential employment opportunities effects, availability of services to the EJ community if business does not stay in area, etc. A comparison is needed for non-EJ communities as well.</p>	Common Comments
			<p>Business displacements (if any):</p> <p>The document includes a business analysis on each displaced business focusing on the type of business, persons employed, community served, potential employment opportunities effects, availability of services to the EJ community if business does not stay in area, etc. A comparison for non-EJ communities is included, as well.</p> <p>The document includes a discussion of the number of businesses to be displaced and any anticipated relocation problems. The discussion should include descriptions of:</p> <ol style="list-style-type: none"> 1. Business type(s); i.e., restaurant, hardware store, automotive repair, etc. 2. Occupancy type(s); i.e., owner, tenant 3. Business characteristics <ol style="list-style-type: none"> a. Traffic-dependent b. Population served c. Minority ownership or operation d. Skilled or unskilled employees e. Number of employees f. Length of occupancy g. Impact to community, if the business cannot be relocated h. Facility requirements i. Parking requirements j. Whether the business is a non-profit organization 4. The approximate value of properties to 	<p>T6640.8A</p> <p>Common Comments</p>

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			<p>be displaced</p> <p>5. Existing zoning and current use of real property to be acquired for right of way</p>	
23			<p>Business Displacements (if any):</p> <p>The document describes available comparable commercial properties in the area using information from the Multiple Listing Service or another reliable indicator. (Census data are not a reliable indicator of the current real estate market conditions.)</p> <p>The document should disclose whether replacement properties are similar in zoning and meet the facility requirements of the business(es) to be displaced (i.e., landscaping or industrial businesses should not be assumed to relocate to strip centers).</p>	T6640.8A
24			<p>Farm and Ranch Displacements (if any):</p> <p>Farms and ranches should be described much like businesses; with additional consideration for farm operations (<i>Does the project divide farms and leave areas unsuitable for farming activities? Does the project separate livestock from water sources or other services? etc.</i>). The discussion should include:</p> <ol style="list-style-type: none"> 1. Occupancy type (owner/tenant) 2. Farm/Ranch characteristics <ol style="list-style-type: none"> a. Agricultural products b. Minority ownership or operation c. Number of employees d. Length of occupancy e. Facility requirements 3. Approximate value of properties to be displaced. 4. Impacts to farm/ranch operations. 	T6640.8A
25			<p>Farm and Ranch Displacements (if any):</p> <p>The document describes available farm/ranch properties in the area using information from the Multiple Listing Service</p>	T6640.8A

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			or another reliable indicator. (Census data are not a reliable indicator of current real estate market conditions.)	
Tolling				
			The document identifies available non-toll facilities and alternate routes (e.g., free main lanes on same facility, frontage roads, and parallel arterials). Maps depicting tolled and non-tolled roadways should be included.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			The document compares travel times and distance between the proposed project and available non-tolled alternatives (including frontage roads).	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			The document discusses toll policies regarding transit, HOVs, and motorcycles; use of toll revenues; and mitigation measures. If there is a toll policy, a copy should be included in the environmental document or a website link provided. In some areas, it may also be important to discuss policies related to emergencies or special events (i.e., hurricane evacuations).	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)

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			The document identifies all potential impacts to transit service.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)
			The document discusses the anticipated toll rate, or range of rates if tolls are variable.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			The document discusses toll collection methods, associated costs, and the differences between various collection methods for households at various income levels. Cost differences between toll tags purchased with credit/debit cards versus cash should be discussed. The document should address whether toll tags are only available to those with credit cards and bank accounts. If cash accounts are available, the document should reflect where and how cash customers can pay.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			If toll booths are planned, the document should address where they are located in relation to identified low-income and minority areas.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads

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				(April 23, 2009)
			The document addresses any potential discounts for low-income drivers, or any other program which may provide increased access to the facility for low-income persons.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)
			The document identifies potential users of the toll facility. Origin and destination (O&D) studies are one example of an analysis that may be used to identify potential users of the toll road.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			The document provides EJ-related demographic data for the toll road user groups (generally by TAZ). Maps may be used to graphically represent this.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			The document discloses that inability to use the toll facilities or lack of parallel non-tolled alternatives may result in increased travel times when using non-tolled alternatives.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			The document illustrates the potential economic impact to individuals using the toll facilities. One method is to multiply the	FHWA and TxDOT Joint Guidance for Project and Network Level

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			<p>anticipated toll cost to use the proposed facility by an estimate of 500 trips per year (i.e., 250 round trips to work per year). This should be put into context by discussing what percentage of household income this cost represents for a household at the poverty level vs. a house at median household income. If variable toll rates are used, the document should provide analyses of the high, low, and mid-range toll rates.</p>	<p>Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)</p>
			<p>Since the economic impact of tolls will be greater for low-income populations, mitigation measures can be recommended for consideration. If the analysis does find disproportionately high and adverse effects, mitigation measures must be considered. Mitigation measures may be addressed in a region's/ MPO's toll policy.</p>	<p>FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)</p>
			<p>The document discusses any potential for traffic to be diverted through neighborhoods.</p>	<p>Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)</p>
			<p>The document addresses any issues related to air quality and/or noise in neighborhoods.</p>	<p>Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)</p>
			<p>The document addresses how the toll facility will affect access to businesses, and the impact to businesses.</p>	<p>Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)</p>
			<p>The document addresses the potential for denial of benefits or disproportionate impacts to low-income drivers.</p>	<p>Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)</p>
			<p>The document discusses accommodations provided by the tolling authority to allow populations with Limited English Proficiency and the disabled to access the toll facilities.</p>	<p>FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice,</p>

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				Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			When travel demand or other models are used in the analysis, the document must include a discussion of the assumptions and limitation association with the model.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			The document discusses whether the project would be part of a network of tolled facilities.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			If the project is part of a tolled network, the document must include maps indicating the implementation of the toll network over time. Maps should identify all planned toll projects and discuss the anticipated timeline for implementation of each segment of the network.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			If the project is part of a tolled network, the document must estimate the cumulative economic impact to individuals of using the toll network facilities. This should be based on a reasonable estimate of the distance a commuter would travel along toll facilities, multiplied by the toll rate, multiplied by an assumed number of trips per year. This should be discussed in a similar manner to the economic impact estimate done for the individual project.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			If the project is part of a tolled network, the anticipated growth of the tolled network should be discussed.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land

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				Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			If the project is part of a tolled network, the document must identify potential users of the tolled network.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			If the project is part of a tolled network, the document should discuss a measure of the benefits of implementing the financially constrained metropolitan transportation plan, including the tolled network.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			<p>If the project is part of a tolled network, the document should discuss potential impacts on overall land use patterns, focusing on the land use considerations incorporated into the region’s MPO analysis of the overall MTP. This discussion should address:</p> <ul style="list-style-type: none"> • Land use assumptions used in developing the travel demand model and MTP • The basis for the land use assumptions • Land use scenarios considered (if any) and whether there is a preferred growth scenario • The toll network’s consistency with land use plans <p>Growth patterns anticipated after implementation of the toll network. If the network is facilitating the existing trend, what will the impacts be?</p>	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
			If the project is part of a tolled network, the document should briefly address air quality as part of the network level analysis, and	FHWA and TxDOT Joint Guidance for Project and Network Level

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			may reference the project level analysis.	Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)

** General Note: The document may discuss issues briefly, but needs to provide sufficient information to support the NFCE classification.*