

MEMORANDUM

Date:	March 30, 2022
To:	Darren Anderson, Carson City Public Works
From:	NCE
Subject:	East William Street Environmental Feasibility Study Project: Title VI and Environmental Justice Memoranda

Carson City (City) has retained NCE to conduct background research and database searches on behalf of the East William Street Environmental Feasibility Study (project) to inform environmental and planning tasks that will need to be addressed during a future NEPA action. The areas of focus for this technical memorandum are *'Title VI and Environmental Justice'* as described below.

Project Description

The project is located in Carson City County, Nevada, south of Reno and Washoe Lake (**Figure 1**, figures are provided in **Appendix A**). The project area established for the project runs along roughly 1.46 miles of East William Street for a total size of roughly 23.1 acres (**Figure 2**). The project will be located within the existing Carson City right of way (ROW) of East William Street. Where necessary, the project will extend into adjacent parcels to accommodate improvements such as parking lot and driveway tie-ins, sidewalks, intersection corners, and utility service reconnections (see **Figure 2**).

The project will reconstruct and rehabilitate East William Street from Carson Street to the I-580 Interchange. The project will include partial reconstruction of the roadway; installation of new curbs, gutters, sidewalks, and multi-use pathways; Americans with Disabilities Act upgrades; Access Management revisions; utility replacements; and landscaping.

The project location and proposed activities were evaluated for compliance with federal civil rights and environmental justice laws affecting entities receiving federal assistance.

TITLE VI

Evaluation

Title VI is a federal law that applies to federal financial assistance recipients (i.e., persons or entities that receive federal assistance; in this case the City). In accordance with Title VI of the Civil Rights Act of 1964, the City must ensure that as a recipient of Federal financial assistance, they do not use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.

The U.S. Department of Transportation's (USDOT's) Title VI regulations at Title 49 of the Code of Federal Regulations, Part 21, describe some specific types of discriminatory actions that are prohibited, but they generally fall under three legal categories¹:

1. Disparate Treatment: Disparate treatment (also called intentional discrimination) happens under Title VI when similarly situated persons are treated differently because of their race, color, or national origin by a recipient of federal funds directly or through contractual or other arrangements.
2. Disparate Impact: Disparate impact (also called adverse impact) discrimination happens under Title VI when a recipient of federal funds from FHWA adopts a procedure or engages in a practice that has a disproportionate, adverse impact on individuals who are distinguishable based on their race, color, or national origin.
3. Retaliation: Just as recipients can not intentionally discriminate in their programs or activities, recipients are also prohibited from intentionally taking adverse actions against persons who exercise their rights under Title VI.

For state highway agencies (SHAs), FHWA regulations specify they must conduct Title VI reviews for all programs and activities (23 C.F.R. §200.9(b)(5)). In addition, SHAs are required to review those entities to which the SHA distributes federal funds (subrecipients), such as cities, counties, and metropolitan planning organizations (23 C.F.R. §200.9(b)(7)). U.S. Department of Justice regulations additionally provide that recipient entities must create a Title VI compliance program for themselves as well as subrecipients who receive federal financial assistance through them. 28 C.F.R. §42.410.

¹ FHWA Title VI: <https://www.fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20-%20Types%20of%20Discrimination.pdf>

Results

Compliant with Title VI of the Civil Rights Act (CRA), and USDOT and FHWA regulations pertaining to recipients of federal funding for transportation projects, Carson City has developed and implements a Title VI Plan for the Regional Transportation Commission (RTC) and Carson Area Metropolitan Planning Organization (CAMPO)². The Title VI Plan is designed to aid the Nevada Department of Transportation Civil Rights Office in its ability to provide oversight and ensure there is Title VI compliance as a sub recipient. The non-discrimination policy of the Title VI Plan establishes the requirement that 'no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the RTC or CAMPO as provided by Title VI of the Civil Rights Act of 1964 and related statutes.'

This policy applies to all operations of RTC and/or CAMPO, including its contractors and anyone who acts on their behalf. This policy also applies to the operations of any department or agency to which the RTC or CAMPO extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

In an effort to ensure and promote non-discrimination, the City, RTC, and CAMPO have adopted and routinely monitor metrics and standards to distribute and program investments fairly and avoid disproportionately high or adverse impacts to underserved communities. These regulations are designed to specifically address disparate treatment, disparate impact and retaliation in RTC and CAMPO project administration.

Therefore, it is NCE's opinion that the City, as a recipient of federal assistance funding, is compliant with Title VI of the CRA by implementing policy, programs, and training with the goal of preventing discrimination on the basis of race, color, or national origin.

² CAMPO. 2020.

<https://www.carson.org/home/showpublisheddocument/72272/637334513547930000>

ENVIRONMENTAL JUSTICE (EXECUTIVE ORDER 12898)

Evaluation

Executive Order 12898 directs federal agencies (and recipients of federal funding) to identify and address, as appropriate, disproportionately high adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations.

Based on the guidance of the USDOT Order on Environmental Justice as cited in “An Overview of Transportation and Environmental Justice” there are three fundamental principles of environmental justice, and they are:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

An important first step to ensuring environmental justice for all people in this country is to identify the areas where people are most vulnerable or likely to be exposed to different types of pollution. For this reason, the Environmental Protection Agency (EPA) developed ‘EJSCREEN’ to help aid in efforts to ensure programs, policies, and resources are appropriately inclusive and consider the needs of communities most burdened by pollution³. EJSCREEN is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports⁴.

Results

The EJSCREEN mapper was used to evaluate if the City’s proposed project would result in disproportionately high adverse human health and environmental effects on minority populations and low-income populations.

Results of the EJ analysis indicate the area immediately surrounding the project (0.25-mile buffer) contains 3,200 persons. Of these persons, 44% are considered ‘low income’ (10% higher than the state average of 34%); 22% are people of color (POC) (Nevada state average is 50%); and the overall Demographic Index is 33%

³ EPA.gov. “EJSCREEN Fact Sheet.” https://www.epa.gov/sites/default/files/2017-08/documents/ejscreen_fact_sheet_2017.pdf

⁴ EPA.gov. “What is EJSCREEN?” <https://www.epa.gov/ejscreen/what-ejscreen>

Reno, NV

1885 S. Arlington Ave., Suite 111
Reno, NV 89509
(775) 329-4955

(meaning 33% of the 3,200 persons near the project are potentially susceptible to the project), which is below the national average of 35%. Of the eleven environmental indicators studied, seven (Particulate Matter (PM), Diesel PM, Cancer Risk, Respiratory Hazard Index, Traffic Proximity and Volume, proximity to Risk Management Plan facilities, and Hazardous Waste proximity) are below the 80th percentiles, the EPA's recommended threshold for environmental consideration. Of the four that are above the 80th percentile (Ozone, Lead Paint Indicator, Superfund Proximity, and Wastewater Discharge Indicator) none are above the 80th percentile in the EPA region. Therefore, the environmental indicators demonstrate that the site is not comparatively "worse" environmentally than the EPA region. EJSCREEN reports for the project are provided as Appendix B.

Because the project is temporary in nature (roadway improvements to an existing transportation route), indirect impacts to the adjacent population resulting from general construction activities (dust and noise generation, visual impact) would not disproportionately affect POC populations and are not anticipated to affect low-income populations with adverse human or environmental health effects relative to the community at large.

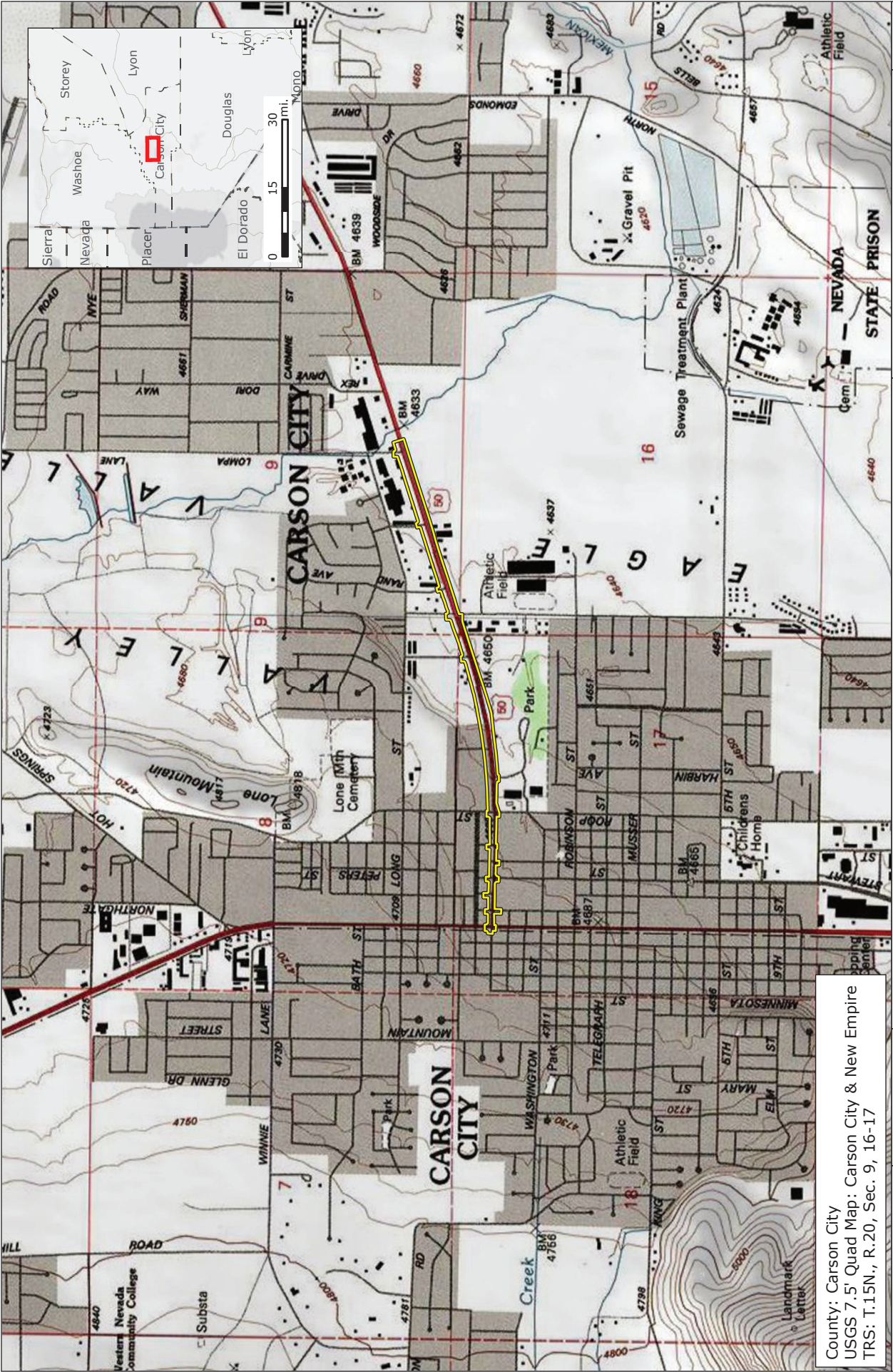
Therefore, NCE concludes the proposed project is compliant with Executive Order 12898, as there are no disproportionately high adverse human health and environmental effects on minority populations and low-income populations identified.

Attachments:

Appendix A Figures

Appendix B EJSCREEN Results

Appendix A Figures



County: Carson City
USGS 7.5' Quad Map: Carson City & New Empire
TRS: T.15N., R.20, Sec. 9, 16-17

Legend
Project Area



East William Street Environmental Feasibility Study Project

Project Vicinity Map

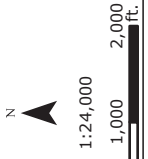
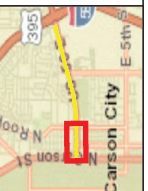


FIGURE
1

SOURCE ESRI USGS Topography Basemap	JOB NUMBER 953.11.25	DRAWN sdavenport	DATE 1/25/2022	REVISED 3/23/2022	APPROVED jhall
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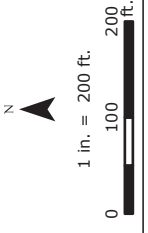
Legend
Project Area



East William Street Environmental Feasibility Study Project
Project Detail Map



FIGURE
2a



DATE	1/25/2022	REVIS	3/23/2022	APPROVED	jhall
JOB NUMBER	953.11.25	DRAWN	sdavenport		
SOURCE	Carson City Ortho Imagery				



<div><div>Legend</div><div><div></div><div>Project Area</div></div></div> <div></div>		<div>East William Street Environmental Feasibility Study Project</div> <div>Project Detail Map</div>		<div><div></div><div></div></div>	FIGURE
		<div><div></div><div>N</div><div>1 in. = 200 ft.</div><div><div><div>0</div><div>100</div><div>200</div></div><div>ft.</div></div></div>			2b
SOURCE Carson City Ortho Imagery		JOB NUMBER 953.11.25	DRAWN sdavenport	DATE 1/25/2022	REVISED 3/23/2022
				APPROVED	jhall



Legend Project Area		East Williams Street Environmental Feasibility Study Project Project Detail Map		 	FIGURE 2c
		JOB NUMBER 953.11.25	DRAWN sdavenport		DATE 1/25/2022

Appendix B EJSCREEN Results

Location: User-specified polygonal location
Ring (buffer): 0.25-miles radius
Description: E Williams

Summary of ACS Estimates		2014 - 2018
Population		3,187
Population Density (per sq. mile)		3,522
People of Color Population		705
% People of Color Population		22%
Households		1,675
Housing Units		1,802
Housing Units Built Before 1950		52
Per Capita Income		27,624
Land Area (sq. miles) (Source: SF1)		0.90
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		0.00
% Water Area		0%

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	3,187	100%	884
Population Reporting One Race	3,080	97%	1,450
White	2,835	89%	574
Black	70	2%	127
American Indian	39	1%	60
Asian	28	1%	50
Pacific Islander	3	0%	29
Some Other Race	105	3%	610
Population Reporting Two or More Races	107	3%	89
Total Hispanic Population	485	15%	540
Total Non-Hispanic Population	2,702		
White Alone	2,482	78%	510
Black Alone	70	2%	127
American Indian Alone	34	1%	58
Non-Hispanic Asian Alone	28	1%	50
Pacific Islander Alone	3	0%	29
Other Race Alone	6	0%	85
Two or More Races Alone	79	2%	61
Population by Sex			
Male	1,621	51%	451
Female	1,566	49%	466
Population by Age			
Age 0-4	220	7%	190
Age 0-17	525	16%	336
Age 18+	2,662	84%	308
Age 65+	757	24%	149

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2014 - 2018

Location: User-specified polygonal location

Ring (buffer): 0.25-miles radius

Description: E Williams

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	2,285	100%	351
Less than 9th Grade	22	1%	51
9th - 12th Grade, No Diploma	205	9%	130
High School Graduate	751	33%	181
Some College, No Degree	899	39%	235
Associate Degree	196	9%	77
Bachelor's Degree or more	409	18%	129
Population Age 5+ Years by Ability to Speak English			
Total	2,967	100%	704
Speak only English	2,519	85%	481
Non-English at Home ¹⁺²⁺³⁺⁴	448	15%	394
¹ Speak English "very well"	248	8%	319
² Speak English "well"	132	4%	161
³ Speak English "not well"	61	2%	92
⁴ Speak English "not at all"	6	0%	16
³⁺⁴ Speak English "less than well"	67	2%	92
²⁺³⁺⁴ Speak English "less than very well"	200	7%	177
Linguistically Isolated Households*			
Total	130	100%	87
Speak Spanish	102	78%	76
Speak Other Indo-European Languages	24	18%	33
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	5	4%	25
Households by Household Income			
Household Income Base	1,675	100%	173
< \$15,000	321	19%	95
\$15,000 - \$25,000	303	18%	135
\$25,000 - \$50,000	473	28%	145
\$50,000 - \$75,000	237	14%	132
\$75,000 +	341	20%	119
Occupied Housing Units by Tenure			
Total	1,675	100%	173
Owner Occupied	550	33%	109
Renter Occupied	1,125	67%	156
Employed Population Age 16+ Years			
Total	2,724	100%	458
In Labor Force	1,550	57%	377
Civilian Unemployed in Labor Force	94	3%	87
Not In Labor Force	1,174	43%	190

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified polygonal location

Ring (buffer): 0.25-miles radius

Description: E Williams

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	3,891	100%	518
English	3,196	82%	579
Spanish	583	15%	455
French	0	0%	18
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	58	1%	53
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	7	0%	38
Chinese	28	1%	49
Japanese	N/A	N/A	N/A
Korean	0	0%	17
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	0	0%	17
Other Asian	9	0%	17
Tagalog	6	0%	33
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	0	0%	17
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	4	0%	25
Total Non-English	694	18%	777

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2014 - 2018.

*Population by Language Spoken at Home is available at the census tract summary level and up.

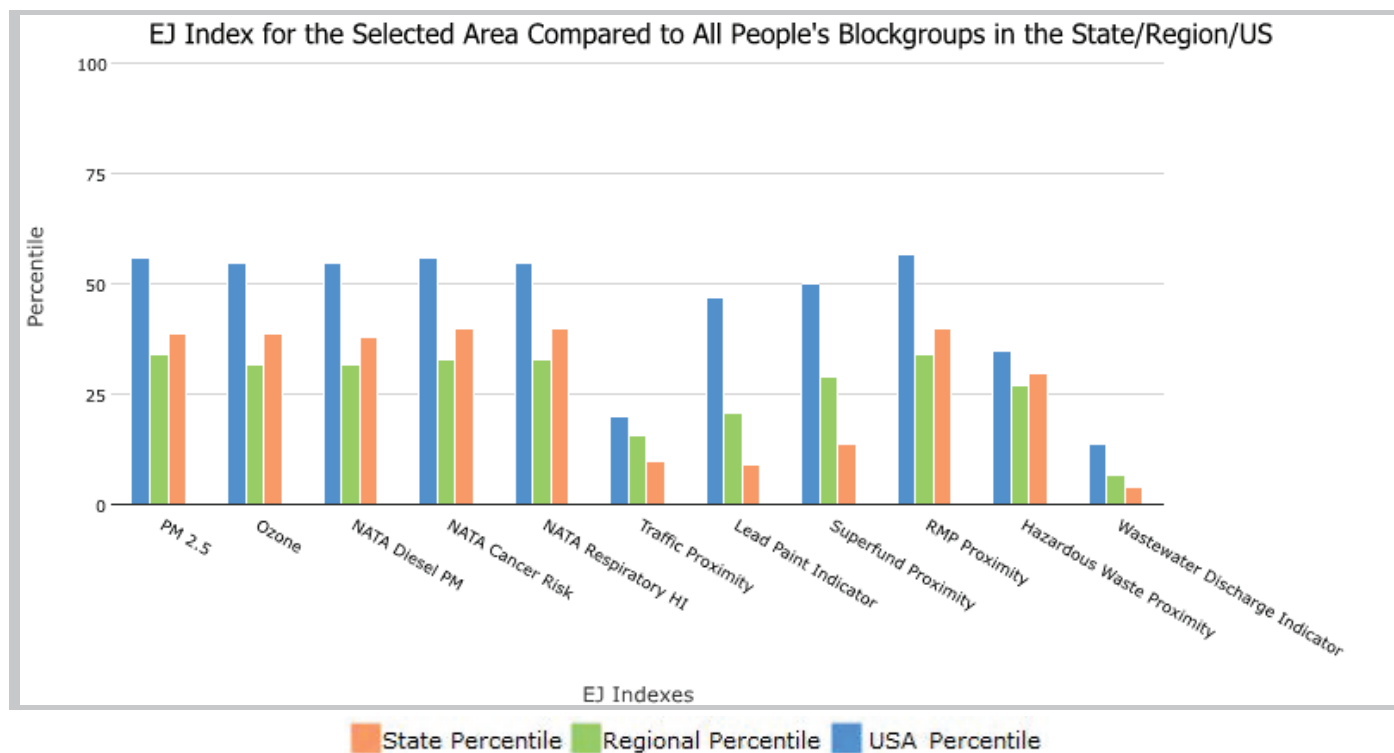
0.25 miles Ring around the Area, NEVADA, EPA Region 9

Approximate Population: 3,187

Input Area (sq. miles): 0.94

E Williams

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	39	34	56
EJ Index for Ozone	39	32	55
EJ Index for NATA* Diesel PM	38	32	55
EJ Index for NATA* Air Toxics Cancer Risk	40	33	56
EJ Index for NATA* Respiratory Hazard Index	40	33	55
EJ Index for Traffic Proximity and Volume	10	16	20
EJ Index for Lead Paint Indicator	9	21	47
EJ Index for Superfund Proximity	14	29	50
EJ Index for RMP Proximity	40	34	57
EJ Index for Hazardous Waste Proximity	30	27	35
EJ Index for Wastewater Discharge Indicator	4	7	14



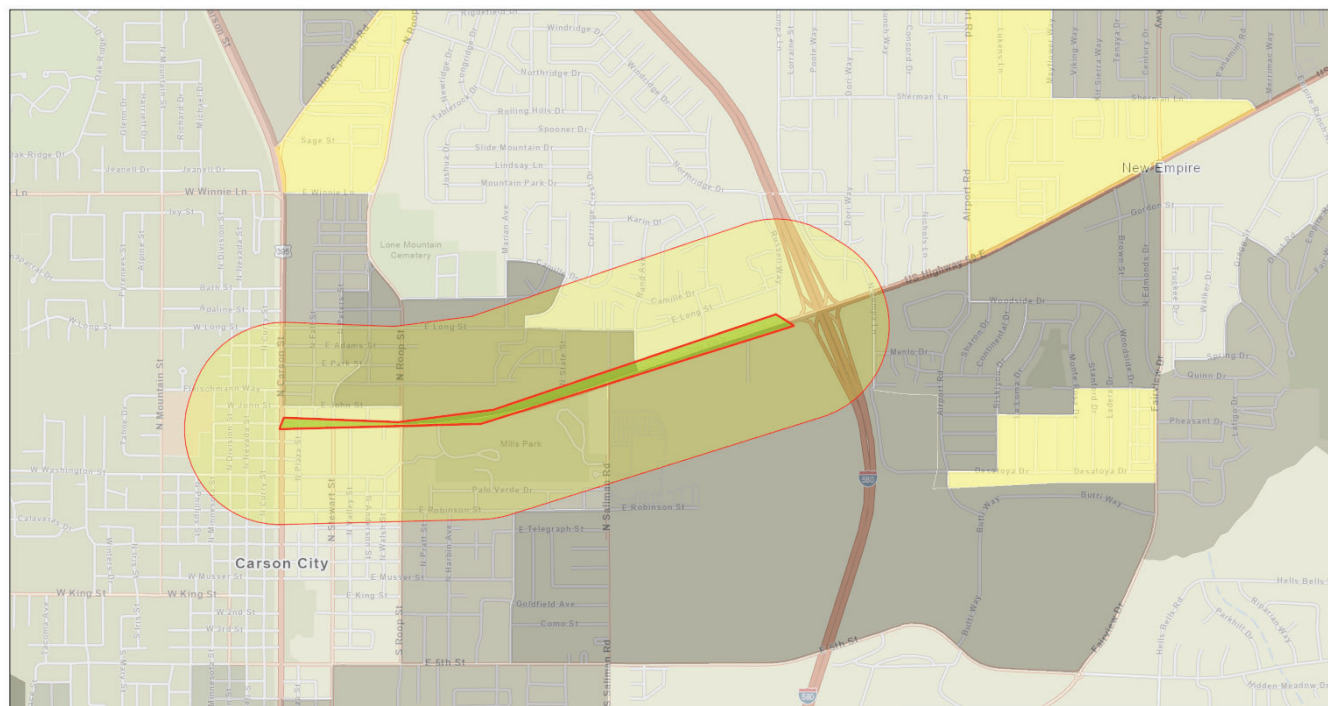
This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

0.25 miles Ring around the Area, NEVADA, EPA Region 9

Approximate Population: 3,187

Input Area (sq. miles): 0.94

E Williams



January 31, 2022

E Williams
EJSCREEN_Indexes
 Data not available

Less than 50 percentile
 50 - 60 percentile
 60 - 70 percentile
 70 - 80 percentile
 80 - 90 percentile
 90 - 95 percentile
 95 - 100 percentile
 220131 project area

1:18,056
 0 0.17 0.35 0.7 mi
 0 0.28 0.55 1.1 km

Esri Community Maps Contributors, Carson City GIS, California State Parks, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/ NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0

EJSCREEN Report (Version 2020)

0.25 miles Ring around the Area, NEVADA, EPA Region 9

Approximate Population: 3,187

Input Area (sq. miles): 0.94

E Williams

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	6.36	6.83	17	9.99	4	8.55	7
Ozone (ppb)	50.3	54.2	8	50.1	47	42.9	88
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.231	0.614	19	0.479	<50th	0.478	<50th
NATA* Cancer Risk (lifetime risk per million)	24	33	13	35	<50th	32	<50th
NATA* Respiratory Hazard Index	0.36	0.5	13	0.53	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	620	580	77	1700	47	750	72
Lead Paint Indicator (% Pre-1960 Housing)	0.07	0.051	82	0.24	41	0.28	33
Superfund Proximity (site count/km distance)	0.064	0.012	98	0.15	45	0.13	51
RMP Proximity (facility count/km distance)	0.052	0.39	7	0.99	3	0.74	5
Hazardous Waste Proximity (facility count/km distance)	2.8	2.5	59	5.3	43	5	73
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.0066	43	84	18	77	9.4	77
Demographic Indicators							
Demographic Index	33%	42%	37	46%	31	36%	55
People of Color Population	22%	50%	13	60%	10	39%	40
Low Income Population	44%	34%	72	33%	71	33%	73
Linguistically Isolated Population	8%	6%	71	8%	61	4%	80
Population With Less Than High School Education	10%	14%	48	16%	44	13%	53
Population Under 5 years of age	7%	6%	60	6%	59	6%	62
Population over 64 years of age	24%	15%	86	14%	87	15%	86

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.