# Instructions

## How to Conduct Community Impacts Assessments

This guidance document outlines the necessary steps in identifying and addressing the community impacts of transportation projects.

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## Introduction

The procedural requirements outlined below were developed by TxDOT to help practitioners conduct a Community Impacts Assessment (CIA). This document contains instructions to assist preparers in determining an appropriate level of community impacts analysis, including details about how to navigate the TxDOT CIA Technical Report Form. In addition to step-by-step instructions on how to complete a thorough analysis, detailed explanations of issues that tend to be complex and nuanced are also provided.

## 1.0 Initial project screening using the scoping question for "Community Impacts" from the WPD II screen in ECOS.

Determination of whether a project has the potential to result in community impacts begins at the initial project scoping phase. The type, size, and location of the project are documented in the ECOS work plan development screens, and initial scoping questions are answered to identify the tasks necessary for environmental clearance. Here is the scoping question for community impacts from the WPD II screen in ECOS:

*"Does the project involve ANY of the following conditions?*

- *Displacements of any kind*

- *Permanent increase in travel times to community facilities, businesses, or homes*

- *Constructs a new or extends an existing raised median or median barrier*

- *Permanent elimination of driveway connections to/from community facilities, businesses, or homes*

- *Permanent impediment to use of non-automobile modes of travel*

- *Constructs a highway on new-location*

- *Creates a new bypass or reliever route*

- *Upgrades of a non-freeway facility to a freeway facility*

- *Adds toll lanes*

- *Expansion of the roadway pavement by 12-ft or more, except for any of the following conditions:*

  - *Bridge replacement projects (includes expansion of approaches)*

  - *No residential areas or community facilities are adjacent to the project limits*

  - *The addition of sidewalks and/or a bikeway outside the roadway and physically separated from motor vehicle traffic (e.g., Shared Use Path) are NOT considered an expansion of the roadway pavement."*

It should be noted that all project details necessary to answer the above question may not be available during the initial scoping phase. If the project has the potential to involve any of the conditions in the "Community Impacts" question from the WPD II screen in ECOS, then it should be assumed that the project has the potential to result in community impacts, and the project sponsor should answer the question, "Yes." Examples of projects that do not typically require additional documentation include landscaping activities; safety improvements, such as lighting; and roadway repaving or resurfacing.

If the answer to the scoping question for "Community Impacts" from the WPD II screen in ECOS is "No," then the project is not of the type or scope to have the potential to result in temporary or permanent community impacts. In this scenario, the "Perform Community Impacts Assessment (CIA)" Activity is <u>not</u> generated by ECOS as part of the project work plan, there is no need to complete any portion of the Community Impacts Assessment Technical Report Form, and the community impacts analysis for the project is complete.

If the answer to the scoping question for "Community Impacts" from the WPD II screen in ECOS is "Yes," then the "Perform Community Impacts Assessment (CIA)" Activity <u>is</u> generated by ECOS as part of the project work plan, and district environmental staff must proceed as indicated below in Section 2.0.

## 2.0 Informal ENV SME consultation to determine appropriate level of analysis.

If the answer to the scoping question for "Community Impacts" question from the WPD II screen in ECOS is "Yes," then typically it will be necessary to complete the entire Community Impacts Assessment Technical Report Form. However, there may be situations in which it is evident that there will be no appreciable negative community impacts resulting from the project, despite the applicability of one or more of the WPD II triggers, because of project-specific factors such as the setting or other project-specific details, in which case it may not be necessary to complete the entire form.

Therefore, when the answer to the ECOS scoping question is yes, the next step is for district environmental staff to contact the ENV SME assigned to the respective district to discuss project details and determine the appropriate level of analysis. This discussion is typically an informal Teams call and does not need to be documented in ECOS. The ENV SME may request that certain information be informally provided by the district environmental staff to make an informed decision about the appropriate level of analysis.

**There are three levels of analysis. They are:**

1. **Summary Analysis <u>with no</u> ENV SME Review Required**
2. **Summary Analysis <u>with</u> ENV SME Required**
3. **Full Report**

The ENV SME will determine which of these three levels of analysis should be conducted based on the discussion with and information provided by district environmental staff. Instructions for the first and second levels of analysis are provided in Sections 3.0 and 4.0 below, respectively. If the ENV SME determines that the third level of analysis (i.e., "Full Report") is appropriate, then skip down to Section 8 below.

## 3.0 Instructions for completing a "Summary Analysis <u>with no</u> ENV SME Review Required."

If, based on the informal consultation between district environmental staff and the ENV SME, the ENV SME determines that a "Summary Analysis <u>with no</u> ENV SME Review Required" is the appropriate level of analysis for the project, then district environmental staff does not need to complete any portion of the Community Impacts Assessment Technical Report Form. Instead, district environmental staff will explain the following in the "Comments" field of the "Perform Community Impacts Assessment" Activity in ECOS:

- First, insert the following statement: "It has been determined through consultation with [insert name], ENV SME, that this project does not require a Community Impacts Assessment Technical Report, despite answering yes to the CIA question in WPD II."
- Second, describe which condition(s) requiring a community impacts analysis apply (of those listed in the WPD II scoping question).
- Lastly, provide information that supports why a full Community Impacts Assessment Technical Report is not warranted for the project.

After district environmental staff has entered the above information in the "Comments" field of the "Perform Community Impacts Assessment" Activity in ECOS, district environmental staff will finalize the Activity in ECOS, and the community impacts analysis for the project is complete.

## 4.0   Instructions for completing a "Summary Analysis <u>with</u> ENV SME Review Required."

If, based on the informal consultation between district environmental staff and the ENV SME, the ENV SME determines that a "Summary Analysis <u>with</u> ENV SME Review Required" is the appropriate level of analysis for the project, then district environmental staff completes <u>only</u> Section A of the Community Impacts Assessment Technical Report Form ("Summary Analysis"). Include in Section A of the Form a high-level discussion of displacements, access and travel patterns, community cohesion, and limited English proficiency/public involvement, as applicable. There is no need to fill-in any other section of the Form.

After district environmental staff has completed Section A of the Form, district environmental staff uploads a copy of the Form to the "Perform Community Impacts Assessment" Activity in ECOS, and assigns a Review in ECOS to the ENV SME assigned to the respective district. Once the ENV SME has approved the Form in ECOS, district environmental staff uploads the Community Impacts Assessment Technical Report form with the word "Approved" in the title and finalizes the Activity in ECOS, and the community impacts analysis for the project is complete.

## 5.0   Instructions for completing a "Full Report."

If, based on the informal consultation between district environmental staff and the ENV SME, the ENV SME determines that a "Full Report" is the appropriate level of analysis for the project, then district environmental staff follows the instructions in this section for completing the Community Impacts Assessment Technical Report Form ("the Form", hereafter).

Important note about complex EAs and EISs

In the case of a complex EA or an EIS with substantial community impacts, the Form shall be either: 1) supplemented with attachments containing more detailed analyses for complex issues, such as economic impacts or a detailed displacements analysis, as appropriate or 2) used as an outline for a narrative-style report. Although the Form and the narrative report are in different formats, both are considered technical reports.

Important note about EISs

In an EIS, TxDOT analyzes and compares multiple "reasonable alternatives." Therefore, for an EIS project, it will be necessary address each of the reasonable alternatives identified in Subsection 2.2 of the EIS throughout the Form (or narrative-style report), or separately complete the Form for each reasonable alternative, depending on which approach is more manageable.

Important note about scaling the analysis.

While every project that requires a "full report" must complete the entire TxDOT CIA process, different projects require varying levels of detail in the analysis. The CIA developed for a project should be appropriately scaled to reflect:

   1) the magnitude of the potential impacts that could occur as a result of the improvements; and

   2) the likelihood for those impacts to occur.

Some projects, such as minor improvements to an intersection, may require a less detailed analysis than a more complex project, such as construction of a new-location facility.

The scale of the analysis should depend not only on the scope (i.e., size or complexity) of the project, but also the context in which the improvements would be constructed. Refer to the information gathered

during desktop review and any field visits to determine the context of the proposed project. It is important to note that projects of relatively small size can result in potentially substantial impacts depending on context. For example, if the surrounding community is already undergoing changes, even minor changes can result in potentially substantial impacts when considered within the context of the community.

The practitioner must exercise professional judgment when determining the appropriate level of detail required for each section of the CIA. However, for each project requiring completion of the entire Form, a full **community profile** must be developed (i.e., Sections B – D of the Form), and each section of the **analysis** (displacements, access and travel patterns, and community cohesion) must be addressed. Conducting a CIA should be a flexible and iterative process; therefore, if the scale of the analysis no longer seems appropriate after the community profile is developed or project-induced impacts are identified, the level of detail provided should be adjusted.

Four basic steps for completing the Form

There are four basic steps for completing the Form. They are:

1. Conduct initial data collection

2. Develop a community profile

3. Identify project-induced impacts

4. Consider mitigation

Each of these four steps are discussed in detail in Sections 5.1 through 5.4 below. These four steps do not necessarily mirror the sections of the Form, but rather provide a high-level overview of the analysis process. References to specific sections of the Form are provided throughout Sections 5.1 through 5.4 below in the form of parentheses (e.g., "(B.2)").

## 5.1 Conduct Initial Data Collection

Once it has been determined that a "Full Report" is required, gather project-related data, including the location, description (including description of both the existing and proposed facility), and objective (i.e. safety, mobility, congestion relief, etc.) of the project. Other data to be used during development of the CIA can also be gathered at this stage, including the location of homes, businesses, and community facilities; and the extent of walking, biking, and mass transit facilities in the area. It should be noted that the data collected during this initial effort may require revision once a community study area has been determined. However, a general understanding of the community or communities surrounding the project area is necessary to properly develop a community profile.

## 5.2 Develop a Community Profile (Sections B - D)

An accurate community profile is a critical component of the CIA process and provides a foundation for evaluating potential project-induced impacts. Develop the community profile for the CIA by completing Sections B, C, and D of the Form. TxDOT has divided the community profile into three parts: definition of the community study area; incorporation of site visit data; and consideration of public feedback.

### 5.2.1    Define a Community Study Area (B.2)

Defining a community study area involves two main components: identifying the community study area boundaries, and describing the existing conditions within those boundaries.

*Identify Community Study Area Boundaries*

The community study area captures the broader geographic area within which project-induced changes would potentially occur. Typically, a proposed highway project would affect areas beyond the existing and proposed right of way, either due to changes in access, modification of travel patterns, or impacts to community cohesion. These types of project-related changes extend beyond the immediate project area and, in some cases, affect areas otherwise considered to be relatively removed from the proposed improvements. In all instances, the community study area should encompass a geographic area larger than the project footprint or immediate project area.

A community typically consists of more than the parcels of land adjacent to a roadway. Because every community is unique, the methodology for delineating community study area boundaries varies. Communities can be defined by geographic boundaries, such as major roadways, or by behavior patterns, such as shared use of local facilities or participation in activities that satisfy social and economic needs.

When beginning to define the community study area, consider the overall magnitude of the proposed project. For larger projects—such as a new-location facility, complex interchange improvements, or projects that would require substantial amounts of new right of way—the community study area may need to encompass areas beyond what may be included in the community study area for a smaller project. However, keep in mind that changes with a relatively small footprint—such as dividing an existing facility through construction of raised medians—can represent noticeable impacts to the surrounding community, including its residents, businesses, services, and essential facilities.

For example, the introduction of a raised median in front of a school could substantially change travel patterns for those transporting students to school who would no longer be able to turn left to directly access the school. They would instead be required to take an alternate route, perhaps by making a U-turn. Depending on the additional distance the driver would have to travel to change directions, this could represent a major impact for the surrounding neighborhoods. This could also have implications for emergency response times, another potentially substantial impact that should be considered. These scenarios should be evaluated when determining the geographic extent of project impacts and the boundaries of the community study area.

While a buffer (e.g., a half-mile from the project area) could also be used to initiate development of the community study area, the boundaries should be adjusted to make sure neighborhoods or parcels of land are not arbitrarily bisected. A buffer should only serve as a starting point for developing a community study area, as it does not typically represent a logical boundary for the point at which project impacts would attenuate or end. Several methods can be used to define a community study area, and, in most cases, multiple factors should be considered together when defining its boundaries.

While not an exhaustive list, the following factors can play a role in defining community study area boundaries:

- Neighborhood or HOA boundaries
- Physical barriers (rivers, lakes, railroads) with limited crossings

- City limits or extraterritorial jurisdictions (ETJs)

- Major roadways

- School district boundaries

- Major shifts in land use

- Traffic analysis zones

- Origin-destination data

The following describes three scenarios in which the methodology for developing a community study area would differ. Consider the context of the proposed project to determine which scenario best suits the area under study.

- **Urban**: In urban settings where distinct physical neighborhoods may be difficult to delineate, a community is more likely to be defined by shared community facilities and involvement in social or economic activities. When analyzing urban communities, consider school district boundaries and locations of community facilities such as libraries, recreational areas, and places of worship. Also consider physical barriers—such as major highways, railroads, and rivers—and evaluate the ability and likelihood of persons crossing these boundaries to access facilities and services.

- **Suburban**: Communities in suburban settings are frequently more discernible, particularly because subdivision housing is generally situated in proximity to community facilities and services to maximize convenience. For instance, master planned communities often advertise a live-work-play scenario, where minimizing the distance required to access points of interests is a main goal. In these cases, distinct communities are often more contained and more readily apparent.

- **Rural**: In rural settings, communities are generally more dispersed, since housing and facilities are scattered or situated on large parcels. For some projects in rural settings, the entire town may serve as an appropriate community study area, since most residents of a small town likely rely on the same handful of facilities and services.

Defining the community study area should be an iterative process, and adjustments should be made as necessary to ensure that the boundaries fully encompass the affected community or communities but are not so large that the analysis becomes less meaningful.

In many cases, developing a thorough community study area can help with documenting the potential changes from a proposed project, as it could aid in identifying the types of changes to which a community may be most susceptible. For example, if a concentrated elderly population relies on a nearby healthcare facility, altering access to this facility through elimination of a driveway may have a greater impact than it would in an area that would be less reliant on that community facility. However, in the absence of a fully developed community profile (including identification of a community facility, and existing access and travel patterns), the proposed changes associated with the project cannot be fully assessed.

Once the community study area has been defined, look at the boundaries as a whole and confirm that they seem proportional to the scope of the proposed improvements. As the unique characteristics of the community become clearer, the community study area should be easier to define. Revise the community study area as needed throughout the CIA process to make sure the boundaries facilitate a reasonable and thoughtfully prepared assessment. Create a map showing the boundaries and the location of the proposed project. The method for developing this map may

vary and can be accomplished using ArcGIS, Google Earth, or another method, if deemed appropriate.

*Describe Existing Land Use and Community Character (B.3)*

Following identification of the community study area boundaries, the existing condition of the community must be assessed (including neighborhoods, general character and land use patterns) to establish a baseline for the CIA and provide context for evaluation of potential project-induced changes to the community. The character of a community is comprised of a number of different elements, including but not limited to development patterns, economic characteristics, businesses and services, infrastructure, and planned future development.

The purpose of discussing the current condition of the project area and the general character of the community study area is to provide context for the community impacts assessment. Discussion of community character should include a description of the types of land uses in the community study area, the distribution and density of development, and any distinguishing factors that make the community unique. Enough detail should be provided to give the reader a clear picture of the setting of the project area and community study area.

The history and future, in addition to current conditions, of a community can also be important to defining its character. Planned future development can be found in the local jurisdiction's planning documents. For example, it could be important to note if the study area had historically been farming or ranching communities but has recently begun to support more residential developments, and whether this change is supported by the future planning documents and the community in general. These characteristics should also be revisited throughout the CIA process, particularly following the site visit and public involvement efforts.

*Identifying Community Facilities (B.4 Table)*

A community can be defined in part by the behavior patterns individuals or groups hold in common, including use of local facilities and the services they provide. Therefore, identification of the facilities that support the surrounding community is a critical part of developing an accurate community profile.

Community facilities vary based on location but can generally be defined as facilities that support the routine behaviors of a population. These types of facilities include but are not limited to:

- Schools and daycares
- Social service centers
- Retirement homes
- Places of worship

- Recreational areas
- Libraries
- Medical Services
- Cemeteries

- Civic buildings (e.g., city hall)
- Auditoriums
- Emergency services
- Museums

Consider the daily needs of the specific community under evaluation when developing the inventory of community facilities. Also, indicate in the analysis whether the facility caters to a specific population with transportation limitations. For example, daycares cater to children, while retirement homes typically cater to the elderly. Businesses that provide unique services to the community can also be considered community facilities (e.g., the only grocery store in a rural town, a bowling alley that also serves as an official meeting space).

The purpose of this step is not to generate an exhaustive list of facilities that do not play some role in the analysis. If the community study area boundaries are thoughtfully delineated, then the community facilities within that area would be expected to experience some type of change or

provide an important service to the community. Project-induced changes that could affect community facilities include but are not limited to:

- Changes in access to the facility, such as driveway closure

- Changes in travel patterns, such as longer drive times or a more circuitous route to reach the facility, which could affect the frequency with which people visit the facility

- Introduction of a barrier (either actual or perceived) that discourages people from accessing the facility

- Construction-phase impacts, such as detours that reroute traffic away from the facility or block street or driveway access

In addition to community facilities, evaluate the existing land use patterns within the community study area. Consider the type of development (residential, commercial, industrial, or a mix); the density of development (low, medium, or high density); and the distribution of development within the study area. For instance, some areas are densely developed along a transportation corridor but become more sparsely developed further away from the roadway. Other communities are centered around a town square or collection of community facilities (such as parks and schools), with only commercial and industrial uses along major roadways.

*Identifying Limited English Proficiency Populations (H)*

LEP populations should also be identified at this stage to ensure that all persons are afforded meaningful opportunities to participate in the environmental process.  There is no official threshold for what constitutes an LEP community. As detailed in Section 5.3.4 of this document, the Safe Harbor Provisions from the Department of Justice provides guidance on when critical written documents should be translated, but this is not the only instance when language accommodations should be made. The American Community Survey (ACS) from the Census Bureau provides data on whether households consider themselves having limited English proficiency. Basic ACS data organizes language data into five broad categories: English, Spanish, Asian and Pacific Island Languages, Other Indo-European Languages, and Other. The most common language after English is typically Spanish, but there are many areas of linguistic diversity across the state. If a substantial population of "Asian" or "Other Indo-European" language speakers are identified for example, it can be difficult to determine the exact language that should be selected for accommodation. Table B16002 from the ACS provides more detailed language groupings that can assist in determining exact languages, but is typically only available at the larger census tract level. Site visits can be used to verify and/or supplement this LEP data. Many local libraries offer free English language learning classes, and can be a helpful resource in determining the most common languages spoken in the area, and whether the population might benefit from translated materials. Public school reports from the Texas Education Agency include the number of English language learners, which can also help inform potential translation needs. If a virtual online-only public meeting (i.e. no in-person option) is being considered, Section 4.5.1 of ENV's Public Involvement Handbook requires research on internet access. This research often relies on data from the Census Bureau, in which case ENV recommends internet access and LEP data be collected concurrently. Consult ENV,CIV, or TPP's Public Involvement Section for further assistance with LEP identification and accommodation strategies. If ACS data is utilized, a map showing the distribution of LEP persons is recommended.

### 5.2.2 Incorporate Site Visit Data (C)

A large portion of the data needed to develop a community profile can be collected at the desktop level; however, certain community characteristics are better assessed in person by conducting a site visit. A site visit should be conducted in nearly all circumstances. If a site visit is not conducted for a CIA, an explanation must be provided in Section C.1 of the Form. Some instances in which a site visit may be impractical are projects that are extremely remote and/or sparsely populated; however, projects in these settings would likely be exempt from a full CIA. If schedule or budget does not allow for the community impacts analyst to personally conduct a site visit, other project staff could collect information on their behalf. For example, if the community impacts specialist was not able to make a site visit but the project biologist was, the community impacts analyst could ask that the biologist drive through the community study area with Site Visit section of the Form in hand to make note of and photograph items pertinent to the CIA such as unsafe pedestrian activity, walking paths through grass, or a concentration of signs in languages other than English. While this field assessment may not be as thorough as one conducted by the community impacts specialists personally, it is still helpful in verifying and augmenting desktop data.

A site visit enables the practitioner to experience the community being evaluated firsthand, and often provides information that would otherwise be missed from the desktop level review and should include the following:

- Confirmation that the community study area boundaries are reasonable and reflect the community or communities likely to be affected by the proposed project

- Verification of the location and operating status of community facilities identified at the desktop level, in addition to identification of community facilities that may not have been previously noted

- Evaluation of existing access and travel patterns from the existing roadway into and within the community study area

- Identification of other languages spoken in the community study area, particularly signs in languages other than English or Spanish

- Identification of populations with transportation limitations in the community study area that may have not been readily identifiable at the desktop level review, including:

  - Elderly persons or persons with disabilities, sometimes evident in a number of assisted living facilities, nursing facilities, specific medical services, or schools for the deaf or blind
  - Children, sometimes indicated by daycares, elementary schools, playground equipment, learning centers, or recreational facilities geared toward children
  - Observation of alternative modes of transportation, such as bus stops, train stations, designated bicycle lanes or bicycle signage, sidewalks, trails, etc.

It is preferable to conduct the site visit during more active parts of the day such as rush hour at a major employment center or drop off/pick up time at school. This allows the analyst to see the interactions between pedestrians and car traffic, traffic generators and destinations, and generally observe how the community interacts. This is particularly important in suburban and urban communities, as opposed to less populated rural areas.

The practitioner should keep notes regarding the above, in addition to taking photographs of the proposed project area, major community facilities, and any other notable conditions in the

community study area. The results of the site visit should be documented in Section C of the Form and incorporated throughout the analysis, as appropriate.

A site visit should be conducted for most projects within a reasonable time frame to provide accurate and timely information. If not, explain why a site visit was not conducted or why it was conducted outside of the general time period as the CIA**.** There is no definitive threshold to determine when the site visit should be conducted or redone in relation to when the Form is filled out. When determining if the site visit has been conducted within a "reasonable time frame" of the Form, the context of the study area should be considered. If the project is in a rapidly urbanizing area then the site visit should be completed or updated within approximately one year of the Form. If the project is in a rural area that grows at a slower pace, then it may be sufficient to confirm that there have been no major changes to the area via desktop analysis within approximately 12 months of filling out the Form.

### 5.2.3 Consider Public Feedback (D)

The public involvement process should be designed to encourage feedback from all interested stakeholders regarding community-related issues, such as important community gathering spaces, the level of cohesion among populations, and concerns about construction-phase impacts (e.g., detours, temporary closures, etc.). Early identification of potential concerns allows for development of more meaningful avoidance, minimization, and mitigation efforts. If public involvement activities are planned but have not occurred by the completion of the CIA, the Form should be updated before being finalized, especially if public involvement resulted in a substantial design change or public controversy.

The CIA and the public involvement efforts should be integrated throughout the environmental process to the extent possible. Feedback from residents and business owners regarding community-related issues - such as important gathering places or impacts of concern - should be gathered through public involvement efforts and incorporated into the CIA. While the ultimate decision-making responsibility lies with TxDOT for most community impacts issues, coordination with other agencies should be encouraged when appropriate. Although there are no permits issued by regulatory agencies related to community impacts, local groups and any cooperating agencies should be consulted for potentially valuable information, as appropriate. It is best to initiate this coordination at the outset of the project and continue to involve any interested agencies throughout the environmental and project development process. Early identification of potential concerns of the public allows for potential design changes that may help address identified concerns.

Conversely, information gathered during the CIA process - such as the presence of LEP populations or groups that may require special accommodations - can be used to increase the effectiveness of public outreach efforts. LEP populations should be identified prior to the first public involvement event to ensure advertisements and meeting materials are provided in the appropriate languages using methods that maximize participation. Additionally, meetings should be held in spaces that are familiar and easily accessible to encourage attendance from all members of the community. For example, community members may feel more comfortable and able to express their concerns at a meeting held in a local elementary school or recreation center as opposed to a TxDOT or other government office building.

Complete Section D of the Form regarding public involvement outreach efforts and how public feedback has been incorporated into the proposed project. If public involvement efforts have not been carried out at the time the draft CIA is completed, this section should be updated before the CIA is finalized. If no public involvement is required, this section does not need to be completed or updated, unless substantial community controversy is identified through any other means.

## 5.3  Identify Project-Induced Impacts (Sections E – H)

This step builds on the community profile and evaluates the potential of the proposed project to result in temporary or permanent impacts to the community or communities under study. The impact evaluation component of the CIA form consists of four main sections:

- Displacements
- Access and Travel Patterns
- Community Cohesion
- Limited English Proficiency

The process for evaluating each of these types of impacts is discussed below.

### 5.3.1  Displacements (E)

Displacements include project-induced impacts to residences, businesses, or other types of facilities (including places of worship, community centers, etc.). Displacements can occur as a result of:

- Direct impacts to a structure due to construction or right of way acquisition;
- Direct impacts to a parcel of land that would make a residence unlivable or a business inoperable;
- Loss of parking space to the extent that the operations of a business or service are impeded; or
- Loss of access, either due to removal of driveways or service roads used to access a structure.

Displacements should always be expressed as "potential" displacements subject to final design considerations, as it is sometimes not determined whether a structure will actually need to be displaced until final design.  If the proposed project would result in any potential displacements or relocations, complete Section E of the Form. It is important to note that the goal of the displacements analysis is not simply to list the number of displacements, but to analyze the impact those displacements may have on the community. A displacement is not simply removing a building, it may mean the removal of a home (persons and/or a family) or service (essential community services in some cases) and relocating it elsewhere. CIA preparers and TxDOT district staff should coordinate with the project managers, design engineers, and/or TxDOT ROW staff to verify displacements.

If the proposed project would result in residential displacements, the number of residences being potentially impacted should be disclosed, along with the type of residence or residences (single-family homes, duplex apartments, mobile homes, etc.). Mailboxes can be helpful for identifying duplexes and triplexes, as they are often visibly marked with the street address followed by an "A" or "Apt. 1". For multifamily apartments, the number of units that would be impacted need to be estimated and disclosed as accurately as possible. In addition, the estimated value of a residence should be included. Central Appraisal District (CAD) data is available online for each county in Texas. Using this information, determine the estimated value of the home or homes that would be displaced as a result of the proposed project, including the estimated value of the structure and the estimated land value.

*Researching Available Properties*

Use the estimated value of the displaced structures to determine whether comparable replacement housing is available within a reasonable distance from the displaced property. Websites such as Zillow.com, Trulia.com, Realtor.com, or a local multiple listing service (MLS) can all be used to identify comparable replacement housing. For example, if a home with an estimated value of $250,000 would be displaced by a proposed project, disclose how many homes of comparable value are available for purchase in proximity to the displaced residence. It should be noted and disclosed that these online real estate sites will estimate the current market value of properties, which are often different from appraised values listed in CAD data. The acceptable distance of replacement housing from a displaced residence varies. Typically, the search for replacement housing should be within the same neighborhood or in an adjacent area to the displaced residence. If there are no comparable homes for sale, provide the distance of the nearest comparable replacement housing available at the time of the analysis.

The research done on replacement housing for this CIA is done solely to satisfy the CIA requirements. The information acquired for this analysis is to determine the possibility of displaced persons to stay in their communities if they so desired, or if there is potential for larger impacts to community cohesion if all displaced persons are necessarily forced to leave the community. This research does not replace the right-of-way process that occurs after the NEPA process is completed. Additionally, it is advisable to check with district ROW staff to determine if any work has already been completed for the acquisition process, including mailing any notices or meetings with property owners. Depending on when the CIA is being completed, it is possible that property appraisal may have already begun, and coordination among appropriate staff ought to occur.

*Commercial Displacements (F.2)*

If the proposed project would result in commercial or business displacements, describe the types of businesses that exist in the community study area (commercial, retail, industrial, etc.). Determine how many displacements would occur as a result of the proposed project, including estimates on the number of individual businesses operating out of strip malls and office complexes. Consider how this number compares to local employment in the area as a whole. To do this, evaluate the local number of employers for the town or city in which the project is located. If the project is located within a rural area, employment at the county level can be assessed. Determine the *approximate* number of persons a particular business employs, using sites such as Manta.com or through direct coordination with the business owner in the form of surveys or phone calls.

If the number of employees at businesses that would be displaced represents less than approximately five percent of the workforce in the community study area, or is less than 10 total commercial displacements, then only questions within the Form should be answered. If the number of employees at businesses that would be displaced represents more than five percent of the workforce in the community study area or more than 10 total commercial displacements, refer to the document titled "Form - Appendix A - Detailed Economic Analysis" located in the toolkit for guidance on how to further analyze economic impacts, in addition to answering all of the questions in this section of the Form.

If there is reason to believe that the overall economic impact of the displacements on the community would nevertheless be minor, discuss the situation with ENV before completing the detailed economic analysis form.

Consider whether the businesses that would be displaced are unique to the area, such as the only grocery store in a rural community or a specialized medical office that serves an entire region. Also determine whether the businesses offer services to specific populations with transportation limitations such as persons with disabilities, children, or the elderly.

Use the same approach described above for determining the approximate value of the displaced business. Based on the CAD-estimated value, search for comparable replacement properties on websites such as LoopNet.com, CityFeet.com, or other local realty websites, and disclose how many comparable properties are available for sale or rent within a reasonable distance from the displaced business. If the business did not relocate, estimate how many jobs would be lost (using websites such as Manta.com or through coordination with the business owner), and determine whether comparable jobs would be available for the displaced employees. Make sure to consider the local unemployment rate to discern the likelihood for the displaced employees to find a comparable job.

*Consider "Other" Displacements (F.3)*

If the proposed project would result in displacements of a different type, including community facilities such as schools, places of worship, nonprofit offices, or community centers, answer all questions in this section. Very often, facilities that fall into this category serve specific populations or provide specialized services. Special care should be taken to ensure that the displacement will not cause a permanent negative affect on the community. In some cases, a place of worship may provide social services such as a food pantry for its members and/or the community; a community center may provide after school care for children or free lunch for seniors. In these cases, if the facility cannot relocate in the same community, this could result in a permanent negative impact which may require special mitigation. If a displacement of a school, community center, place of worship, or other similar facility cannot be avoided, contact the ENV CIA SME as soon as possible.

Note that "other" is used in this section only to capture the types of displacements discussed above that do not clearly fall under the commercial or residential category, but have the potential to adversely impact the community. With this in mind, impacts to buildings such as sheds, carports, and mailboxes can be noted in the CIA, but should not count as a displacement if no relocation of households, business operations, or other services are anticipated on the same parcel. Similarly, while owners of billboards may be impacted, this is not considered an "other" displacement for the purposes of a CIA. Refer to the ROW Acquisition Manual for detailed compensation and relocation procedures specific to commercial sign structures. Utility adjustments are also not considered in this assessment, TxDOT's ROW Utilities Manual can be referred to for further information. The TxDOT Environmental Handbook for Preparing an Environmental Assessment has a helpful differentiation between displacements as discussed under the Community Impacts Section, versus descriptions of general ROW needs under the Right-of-Way Property Acquisition Section.

### 5.3.2   Access and Travel Patterns (F)

*Consider the following as it applies to projects on existing facilities (F.1) and/or new location facilities (F.2)*

Consider the existing access and travel patterns, for <u>all</u> modes of transportation including personal automobiles, walking, cycling, and transit, along the proposed project and within the community study area. Determine whether the changes introduced as part of the proposed project would permanently impact access or travel patterns into and within the community study area, and complete this section if so.

While the concepts of access and travel patterns are closely related, the analysis should distinguish between these types of impacts as much as possible.

According to TxDOT's Access Management Manual, an access connection is a:

*Facility for entry and/or exit such as a driveway, street, road, or highway that connects to a highway on the state highway system.*

For instance, loss of access to a business would occur if the proposed roadway improvements would result in a driveway closure, and an alternate point of access (i.e., another driveway) to the business was not available. A change in access would occur if the driveway closure required use of an alternate point of access to the business. A change in travel patterns would occur if a raised (i.e., non-traversable) median were introduced in front of a business, which would then require drivers to travel a more circuitous route to reach the business's driveway. In this case, an estimate of additional travel time should be provided.

Improvements to access and travel patterns can also occur as a result of roadway improvements. New access can be created by the construction of a new driveway, a new pedestrian bridge, a new frontage road along controlled-access facility, or a new-location facility, for example. Changes to travel patterns can be beneficial in the case of a more direct and efficient route between origins and destinations. Less circuitous travel patterns can result in shorter travel times, less congestion, and improved operational efficiency of the roadway network overall.

*Estimating Changes in Travel Times*

In instances where proposed roadway improvements would require additional travel distances, the analyst should provide an estimate of the travel time changes compared to the current condition. For example, consider the introduction of a raised median in front of a hospital that would require drivers to make a U-turn to change directions to access the hospital driveway. Measure the additional distance required to travel past the original point of entry, turn around, and travel back to the hospital driveway. Multiply this distance by the miles traveled per minute according to the speed limit. If an additional 2 miles of travel would be required at a speed limit of 60 mph, then approximately 2 minutes of additional travel time would be added. While this is an approximation of travel time change and does not consider variables such as actual travel speed or congestion, this information helps to provide an overall picture of the changes that would occur and the level of inconvenience that may be imposed on users of the facility. Estimation of travel time change is particularly important in regard to emergency services. Consider the potential origins of emergency response vehicles when determining how these services may be impacted by the proposed improvements. Also consider the potentially frequent destinations of these vehicles, such as residential neighborhoods and community facilities (including hospitals).

*Considering Impacts of Bypasses & Reliever Routes (G.3)*

New bypasses and reliever routes typically result in the relocation of existing and future traffic from an existing facility onto a different facility. This relocation of through-traffic away from more populated areas can result in increased mobility along the original route, improvements to safety (e.g., through removal of pedestrian-vehicle conflict points), and reduced travel times for both local and through-traffic. In addition to these beneficial changes, adverse impacts can also occur, such as decreased visibility of businesses that rely on passing drivers. These types of businesses can include but are not limited to restaurants, hotels, gas stations, and other roadway-oriented land uses. This section includes specific questions to address traffic-dependent business operations, and because bypass projects are also new-location project, Section G.2 should be filled out in addition to G.3.

### 5.3.3   Community Cohesion (G)

Based on the community profile developed for the CIA, determine whether cohesion exists within the community study area or parts of the community study area, and to what extent the project could potentially increase or decrease this existing level of cohesion. Consider the daily patterns of individuals within the community and whether there is a shared reliance on the community facilities and businesses within the study area. Do residents travel elsewhere for work, school, and socializing, or do they fulfill their daily needs within the community in which they reside? Rural communities may be more spread out than urban environments, making cohesion less readily apparent; however, cohesion may still exist. Also consider that a shared sense of identity can also represent cohesion within a community, whether from an economic, age-related, social, or other perspective.

*Evaluating Impacts to Community Cohesion*

Construction of roadway improvements within a cohesive community can both disrupt and promote cohesion following completion of the project. Adverse effects to community cohesion can occur as a result of a new barrier (i.e., new roadway facility) within a cohesive community, a wider roadway with higher design speeds in residential areas, displacements within a cohesive residential neighborhood, or impacts to a community facility that serves as a meeting place for community residents, for example. Also take into consideration that interruptions to community cohesion may be perceived, such as a wider roadway or raised facility that may not technically affect movement along or across the facility. Increases in community cohesion can occur when travel between residences, work centers, and community facilities is made more convenient, or when a community is made more walkable or bikeable. Consider movement along the facility as well as across the facility when determining impacts to cohesion, not just as part of a transportation corridor *through* the community, but in terms of how people who live there will move within the area daily.

### 5.3.4   Limited English Proficiency (J)

The LEP section of the Form is intended to document whether our public involvement efforts have satisfied the requirements of Title VI of the Civil Rights Act. The plan to address the needs of LEP persons can vary widely depending on the context of the project setting and scale of the project. There is no right or wrong approach so long as a good faith effort can be demonstrated; therefore, it is important to document all efforts, from posting a meeting notice in a Spanish language newspaper to hand-delivering translated flyers to post at a local Asian market.

The Safe Harbor Provisions of 5% of a given population or 1,000 speakers - whichever is less - can be used to help guide the decision to translate written materials (70 FR 05-23972, December 14, 2005). Please note that this is not a threshold value, and does not apply to providing interpretation or other language accommodations.

As discussed in Section 5.2.1 above, ACS data provide survey respondents' ability to speak English. Any answer other than "very well" is considered LEP, and TxDOT recommends using those tables that show both LEP and the household language spoken at home in order to inform potential accommodation needs during public involvement activities. If it is determined that accommodations for LEP populations are necessary, meeting announcements should be translated to appropriate languages other than English. If a full announcement is not translated, at the very least, the offer to accommodate other languages should be made in the appropriate language, not only in English. Template accommodation request statements are available in Spanish on TxDOT's Public Involvement Toolkit for environmental review. All districts are encouraged to consider translating materials into at least Spanish wherever appropriate. The

burden to find out when meetings will be held and access to other public involvement opportunities should not be put upon LEP persons. Rather, it is TxDOT's obligation to ensure that the notice and process is open for all that choose to participate. TxDOT's Civil Rights Division (CIV) maintains a Language Assistance Plan that can also be referred to for guidance on translation, interpretation, and outreach services for LEP individuals seeking access to TxDOT programs. In cases where there may be more obligations to ensure meaningful involvement, contact ENV, CIV, or TxDOT's Public Involvement (PI) Section. The Strategic Public Involvement Guidance (SPEG) released by the PI Section is a living guide that is also available to refer to for more details on LEP accommodations and best practices.

The effort to translate and distribute materials is not necessarily time consuming or expensive. The cost of translating a meeting announcement is relatively inexpensive, although costs could increase if requests for additional materials are received. Distribution can also be a relatively inexpensive effort. Translated materials do not need to be distributed to the entire project area but can be delivered directly to the person or facility that needs it. For example, if it was determined that there was Korean speaking population in the area, the meeting notice could be mailed or personally delivered to the Korean Baptist Church, as this will likely be the best place to reach many of the Korean speaking families at one time. The PI Section also recommends placing translated materials on project websites; contact the PI Section for assistance.

## 5.4  Consider Mitigation

This step requires consideration and development of appropriate mitigation efforts to offset adverse impacts to community resources. Remember that ensuring the inclusion of meaningful opportunities for public participation is a critical component of developing mitigation, and this feedback can ensure that proposed mitigation is appropriate and effective. Mitigation for displacement impacts is always required, as outlined by the Uniform Act. However, some impact categories do not have clearly defined mitigation requirements, such as community cohesion and access and travel patterns. TxDOT District and ENV staff must discuss the anticipated impacts and feasibility of mitigation for those impacts prior to finalizing the CIA.

Questions pertaining to proposed mitigation for the potential impacts from displacements, changes in access and travel patterns, and changes to cohesion are provided at the end of Sections E through G of the Form. After mitigation efforts are incorporated into the project, the overall effect of project impacts on community resources can be discerned, and should then be discussed at the end of each applicable section.

## 6.0   Glossary

**Adverse Effects** – The totality of significant individual or cumulative human health or environmental impacts. Includes social and economic impacts, which may include, but are not limited to the following:

- bodily impairment, infirmity, illness, or death;

- air, noise, and water pollution and soil contamination;

- destruction or disruption of:

  - human-made or natural resources,

  - aesthetic values,

  - community cohesion or a community's economic vitality, and

  - the availability of public and private facilities and services;

- vibration;

- adverse employment impacts;

- displacement of persons, businesses, farms, or nonprofit organizations; and

- denial of, reduction in, or significant delay in the receipt of, benefits of TxDOT programs, policies, or activities.

**Cohesion** – Term used to describe the level of social connection within a community, typically characterized by shared reliance on community facilities that contribute to an overall social support network. Examples of adverse project impacts that can impact community cohesion include splitting or isolating areas, and separation from services. The generation of new development has the potential to be adverse or positive, depending on context and community input. Examples of positive project impacts include providing new connections between communities, providing access to community facilities, and enhancing pedestrian safety.

**Comparable Replacement Dwelling** – Based on an abbreviation of the definition provided at 49 CFR 24, the term comparable replacement dwelling refers to a dwelling that is:

- decent, safe, and sanitary;

- the same in function and utility;

- adequate in size to accommodate the occupants;

- in an area not subject to unreasonable adverse environmental conditions;

- in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities;

- reasonably accessible to the person's place of employment;

- on a site that is typical in size for residential development with normal site improvements, including customary landscaping;

- currently available to the displaced person on the private market; and

- within the financial means of the displaced person.

**Decent, Safe, and Sanitary Dwelling** – Based on the definition provided at 49 CFR 24, this term means that a dwelling meets local housing and occupancy codes. However, any of the following standards not

met by the local code shall apply unless waived for good cause by the federal agency funding the project. The dwelling shall:

- be structurally sound, weather tight, and in good repair;

- contain a safe electrical wiring system adequate for lighting and other devices;

- contain a heating system capable of sustaining a healthful temperature of approximately 70 degrees for a displaced person, except in those areas where local climatic conditions do not require such a system;

- be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person; however:

  - the number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing the federal agency with jurisdiction over the project, and

  - the displacing federal agency with jurisdiction over the project shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the policies of such agencies;

- contain a separate, well lighted, and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, which are all in good working order and properly connected to appropriate sources of water and to a sewage drainage system, in the case of a housekeeping dwelling, there shall be:

  - a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system and

  - adequate space and utility service connections for a stove and refrigerator;

- contain at least one unobstructed egress to safe, open space at ground level; and

- for a displaced person with a disability, be free of any barriers precluding reasonable ingress, egress, or use of the dwelling by such displaced person.

**Disability** – 28 CFR 35-36 Refers to individuals living with as physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such impairment; or being regarded as having such an impairment.

**Limited English Proficiency (LEP)** – LEP individuals are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. ACS data provide survey respondents' ability to speak English. Any answer other than "very well" is considered LEP according to the LEP.gov (Department of Justice), though other indicators may also be used for the purposes of this assessment. TxDOT's Civil Rights Division maintains a Language Assistance Plan that can also be referred to for guidance on translation, interpretation, and outreach services for LEP individuals seeking access to TxDOT programs.

**Title VI** – The sixth title of the Civil Rights Act of 1964. Title VI is the law that prohibits discrimination in federal and federally-assisted projects and programs based on race, color, and national origin. Codified at 42 USC 2000d (1-7).

**TxDOT Title VI Program** –TxDOT's Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope and responsibilities of the Civil Rights Division (CIV).

## 7.0  Abbreviation and Acronyms

| | |
|---|---|
| ACS | American Community Survey |
| ADA | Americans with Disabilities Act |
| CEQ | Council on Environmental Quality |
| CFR | Code of Federal Regulations |
| CIA | Community Impacts Assessment |
| CIV | TxDOT Civil Rights Division |
| DOJ | Department of Justice |
| DOT | Department of Transportation |
| EA | Environmental Assessment |
| ECOS | Environmental Compliance Oversight System |
| EIS | Environmental Impact Statement |
| ENV | TxDOT Environmental Affairs Division |
| EO | Executive Order |
| EPA | Environmental Protection Agency |
| FHWA | Federal Highway Administration |
| LEP | Limited English Proficiency |
| NEPA | National Environmental Policy Act |
| TxDOT | Texas Department of Transportation |
| Uniform Act | Uniform Relocation Assistance and Real Property Acquisition Policies Act |
| USC | U.S. Code |
| USDOT | U.S. Department of Transportation |

## Appendix A

The following table shows the revision history for this guidance document.

| Revision History | |
|---|---|
| **Effective Date Month, Year** | **Reason for and Description of Change** |
| March 2025 | Version 6 was released.<br>Removed reference to Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), which was revoked by the executive order titled, "Designating English as the Official Language of the United States" (March 1, 2025). |
| February 2025 | Version 5 was released.<br><ul><li>Comprehensive updates to and revision of entire Environmental Handbook for Community Impacts, Environmental Justice, Limited English Proficiency and Title VI.</li><li>Removed "Part 1" – regulatory background.</li><li>Revised name of document to "Instructions – How to Conduct Community Impacts Assessments".</li><li>Revised to provide a three-tiered approach for conducting different levels community impacts assessments.</li><li>Removed environmental justice-related instructions in accordance with Executive Order titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity" (January 21, 2025).</li></ul> |
| September 2024 | Version 4 conforms guidance to reflect new terminology ("have disproportionate and adverse human health or environmental effects on communities with environmental justice concerns") and new definition of "environmental justice" set forth in CEQ's Phase 2 rulemaking. |
| December 2020 | Version 3 describes revised TxDOT procedures for documenting community impacts and contains updated references to guidance documents. |
| January 2015 | Version 2 has corrected broken hyperlinks and added clarification to several points in the Procedural Requirements section. |
| April 2014 | Version 1 was released. |