

## Environmental Commitments

☒ Commitments are involved on the project.

### List of Environmental Commitments

The project will be developed in accordance with the Tennessee Department of Transportation's (TDOT) Standard Specifications for Road and Bridge Construction, which addresses sediment and erosion control and siltation; channelization; floodplains; construction impacts; utility relocation; and traffic maintenance and detours. Best Management Practices (BMPs) will be stringently implemented throughout the construction period.

#### **Environmental Commitments Applicable to PIN 108883.00**

1. In accordance with the Programmatic Consultation for Addressing Cliff Swallows and Barn Swallows on Transportation Projects dated 9/16/2020, cliff swallow and barn swallow nests, eggs, or birds (young and adults) will not be disturbed between April 15 and July 31. From August 1 to April 14, nests may be removed or destroyed, and measures may be implemented to prevent future nest building at the site (e.g., closing off area using netting).
2. Sediments in Nonconnah Creek are listed on the 303(d) List for dioxins (including 2,3,7,8-TCDD), polychlorinated biphenyls and chlordane. Any sediment that is removed from the river shall be replaced with clean, suitable material. Any material removal from, or placement on, the river bottom shall be performed within a cofferdam. The sediment shall be stockpiled by the contractor, either on a barge or on an upland location on TDOT right-of-way, and contained such that its runoff cannot impact the creek. TDOT Environmental Division will be responsible for sampling and disposition of the excavated material. Notify TDOT Hazardous Materials Manager, at 615-532-8684 at least two business days prior to beginning sediment removal. As a precaution, workers who encounter water and sediment in Nonconnah Creek should wash their hands with soap and potable water before eating and smoking. The water in Nonconnah Creek is not suitable for drinking.



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
ENVIRONMENTAL DIVISION  
SUITE 900 - JAMES K. POLK BUILDING  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-0334**

May 31, 2023

Mr. Erick Hunt-Hawkins  
Environmental Manager  
Tennessee Department of Transportation  
505 Deaderick Stree, Suite 900  
Nashville, TN 37243

Subject: Construction Reeevaluation of Bridge over CNIC Railroad and Nonconnah Creek,  
Shelby County, Tennessee, PIN 108883.00

Dear Mr. Hunt-Hawkins:

This reevaluation of environmental, social and economic effects is for the entire project. The entire project along both northbound and southbound bridges over CNIC Railroad and Nonconnah Creek on State Route (SR) 14 at Log Mile (LM) 7.13 in Shelby County is now being advanced to the construction phase. This reevaluation has been conducted in accordance with Title 23 of the Code of Federal Regulations (CFR) Section 771.129.

The proposed project is listed in the Memphis Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP) for Fiscal Years 2020-2023 as TIP # TN-NHPP-2014-04. The TIP Page is provided in Appendix A.

Federal and State project numbers for various stages of project development are listed in the table below.

Table 1: Project Phases and Corresponding Project Numbers, PIN 108883.00		
Phase	Federal Aid	State Project Number
Preliminary Engineering	BR-NH-14(46)	79022-0227-94
Right-of-Way	BR-NH-14(46)	79022-2227-94
Construction	BR-NH-14(46)	79022-3227-94

## **Project History**

This Reevaluation is for the D-List Categorical Exclusion (CE) that was previously approved on 06/14/2014.

As documented in the original D-List CE and a previous reevaluation, the Tennessee Department of Transportation (TDOT), in cooperation with the Federal Highway Administration (FHWA), proposes to conduct bridge replacements along both northbound and southbound bridges over CNIC Railroad and Nonconnah Creek on State Route (SR) 14 at Log Mile (LM) 7.13 in Shelby County, at:

- Bridge over CNIC R/R and Nonconnah Creek (Federal Bridge ID Number 79SR0140005 [northbound])
- Bridge over CNIC R/R and Nonconnah Creek (Federal Bridge ID Number 79SR0140006 [southbound])

This project was previously determined to be a D-List CE, pursuant to 23 CFR 771.117(d)(13). At the time the original D-List CE was approved, there was no agreement in place with FHWA to allow TDOT to process federally funded bridge replacement projects as anything other than a D-List CE. Subsequently, a D-List CE, approved 6/14/2014, was prepared for the project, which at that time was scoped for the replacement of the subject southbound bridge only. A reevaluation of the project was conducted when the project was then advanced to the right-of-way phase; it included a review of revised right-of-way plan sheets dated 10/13/2014 and was approved on 02/04/2015. Subsequently, on 10/06/2015, a memo-to-file was completed to document minor design changes to right-of-way that required re-designation of easements that were included in the previous reevaluation documentation.

A project location map is included as Appendix B. All above-referenced documents, including the original D-List CE, the D-List CE Reevaluation, and the right-of-way memorandum, are provided in Appendix C.

Initial Studies Request Plans, dated 07/29/2019, which includes the proposed replacement of both the northbound and southbound bridges, serves as the focus of this reevaluation and is included in Appendix D.

## **Project Background**

The proposed project involves bridge replacements along both northbound and southbound bridges over CNIC Railroad and Nonconnah Creek on SR-14 at LM 7.13 in Shelby County. This bridge replacement project will bring the bridges' sufficiency ratings within TDOT design standards. The bridges are being replaced to provide the necessary upgrades for improved functionality and increased structural integrity.

Every two years, TDOT performs a comprehensive inspection and subsequent evaluation of all public bridges across the state in order to determine the status of their working condition and operating limits to ensure that they are in accordance with FHWA's National Bridge Inspection Standards (NBIS). These inspections are recorded and published in the National Bridge Inventory (NBI) Tennessee Inventory and Appraisal Report. One of

the components of this evaluation is the designation of a sufficiency rating. A sufficiency rating is calculated for each individual bridge that is used to carry vehicular traffic. Ratings are measured on a scale of 0 to 100. A rating of 100 corresponds to a bridge that qualifies as an "entirely sufficient bridge," while a rating of 0 denotes a bridge that is "entirely deficient."

Bridges that receive a sufficiency rating of less than 80.0 are eligible for rehabilitation; bridges that earn a rating below 50.0 are eligible for replacement. Another component of the NBI are the condition ratings. Condition ratings are used to describe the existing, in-place bridge as compared to the as-built condition. The physical condition of the deck, superstructure, and substructure components of a bridge are evaluated for a condition rating. Condition ratings are assigned codes ranging from 0-9, with 0 being failed condition and 9 being excellent condition. Another component of the NBI are the appraisal ratings. Appraisal ratings are used to evaluate a bridge in relation to the level of service that it provides. The structure is compared to a new structure built to current standards for the particular type of road. Components evaluated and given an appraisal rating include the structural evaluation, deck geometry, the underclearance rating, waterway adequacy, and the approach roadway alignment. Appraisal ratings are assigned codes ranging from 0-9, with 0 being a closed bridge and 9 being superior to present desirable criteria.

#### Bridge 79SR0140005

According to the NBI Tennessee Inventory and Appraisal Report, published 03/08/2022, Bridge 79SR0140005 (northbound) received a sufficiency rating of 61.8. The deck and substructure received condition ratings of 6 (satisfactory condition), the superstructure received a condition rating of 5 (fair condition). Stream channel and channel protection received a condition rating of 6 (satisfactory condition). The deck geometry received an appraisal rating of 4 (meets minimum tolerable limits to be left in place as is). The waterway accuracy received an appraisal rating of 8 (equal to present desirable criteria). The approach roadway alignment received an appraisal rating of 8 (equal to present desirable criteria). The scour condition rating received an appraisal rating of 4 (meets minimum tolerable limits to be left in place as is). The existing northbound structure is constructed of steel with a concrete deck and asphalt wearing surface. The existing bridge was built in 1964.

#### Bridge 79SR0140006

According to the NBI Tennessee Inventory and Appraisal Report, published 03/08/2022, Bridge 79SR0140006 (southbound) received a sufficiency rating of 3.0. The deck received a condition rating of 6 (satisfactory condition), the superstructure received a condition rating of 5 (fair condition), and the substructure received a condition rating of 3 (serious condition). Stream channel and channel protection received a condition rating of 6. The deck geometry received an appraisal rating of 3 (basically intolerable, requiring high priority of corrective action). The waterway accuracy received an appraisal rating of 5 (somewhat better than minimum adequacy to tolerate being left in place as is). The approach roadway alignment received an appraisal rating of 8 (equal to present desirable criteria). The scour condition rating received an appraisal rating of 4 (meets minimum tolerable limits to be left in place as is). The existing southbound structure is constructed

of steel with a concrete deck and asphalt wearing surface. The existing bridge was built in 1929.

The original plans, as evaluated in the D-List CE and associated documentation, proposed replacing only the southbound bridges. Since that time, the designs have changed to include the replacement of both northbound and southbound bridges over CNIC Railroad and Nonconnah Creek. In accordance with Title 23 of the Code of Federal Regulations (CFR), Section 771.129, a second reevaluation of environmental, social, and economic effects is being conducted. This project was previously determined to be a D-List CE; however, based on the current (2018) PCE agreement, this project is being reevaluated as a Programmatic CE.

The NBI Tennessee Inventory and Appraisal Reports are provided in Appendix D.

### **Project Description**

As detailed in the Initial Studies Request Plans, dated 07/29/2019, the proposed project would include replacement of the existing bridges and approach roadways for a total project length of 0.460 mile. The replacement bridges will have the same alignment as the existing bridges and be designed and constructed to TDOT's current Standard Specifications for Road and Bridge Construction. The proposed structure will be a 4-span, steel girder bridge with a 90-degree skew. The proposed structure will have a total width of approximately 109 feet and bridge length of 766 feet and a project length on 2,430 feet, comprised of three twelve-foot lanes (in both directions), two and a half-foot outside curb and gutter, five and a half-foot sidewalks on both sides, and 4-foot outside shoulders. To maintain the required vertical clearance of 23 feet with the new span, the profile will be raised approximately three feet. The design speed will be 50 mph.

As explained in the previous section, this project was previously determined to be a D-List CE however, based on the current (2018) PCE agreement, this project is being reevaluated as a Programmatic CE.

The reevaluation of the environmental effects for this proposed project included the review of the proposed design plans with the information presented in the previously approved D-List CE, approved on 06/14/2014, and the D-List CE Reevaluation, dated 02/04/2015. This document has been updated to include areas not addressed in the original document and/or for which policy or regulations have resulted in the need for updated information or studies. Of particular interest to this reevaluation are the following topics:

### **Relocation and Right-of-Way Impacts**

The reevaluation of the environmental effects for this proposed project included the review of the proposed ROW plans. The construction of this proposed project will result in 0.12 acre of ROW acquisition, 1.003 acres of permanent easement, 2.03 acres of air rights easement, and 2.502 acres of temporary construction easement.

Correspondence from the TDOT Right-of-Way Division is provided in Appendix E.

## **Hazardous Materials**

As part of this reevaluation, environment effects resulting from hazardous materials were reevaluated for the project.

On 08/17/2022, the TDOT Hazardous Materials Section stated, "Based on the Initial Studies Preliminary Plans dated 29 July 2019, one known hazardous material site may affect this project as it is currently planned. No additional hazardous material studies are recommended at this time. The asbestos bridge surveys have been completed but do not show in these plans. The following commitments have been submitted but do not show in these plans. In the event hazardous materials or wastes are encountered within the right-of-way, notification shall be made per TDOT Standard Specifications for Road and Bridge Construction (January 1, 2021) Section 107.08.C. Disposition of hazardous materials or wastes shall be subject to all applicable regulations, including the applicable sections of the Federal Resource Conservation and Recovery Act, as amended; the Comprehensive Environmental Response, Compensation, and Liability Act, as amended; and the Tennessee Hazardous Waste Management Act of 1983, as amended. Databases reviewed include Google Earth imagery, EPA National Priorities List, EPA MyEnvironment, TDEC Registered Underground Storage Tanks Public Data Viewer and Data and Reports, TDEC Division of Water Resources Public Data Viewer and Oil and Gas Wells database, TDEC Division of Remediation Sites Public Data Viewer, TDOT Integrated Bridge Information System, and others, as necessary."

An Asbestos-Containing Materials (ACM) assessment report was completed on Bridge Number 79SR0140006. Low concentrations of asbestos (less than 1 percent) were detected in the bridge rail gasket material and in the tar-like substance on the diaphragms. An Asbestos-Containing Materials (ACM) assessment report was also completed on Bridge No. 79SR0140005 SR-14 NB over CNICRR and Nonconnah Creek LM 7.13 (79-SR014-07.13R). No asbestos was detected. Accordingly, the TDOT Hazardous Materials Section identified project commitments related to ACM, however, because these commitments are TDOT best management practices, they are not considered formal project commitments and therefore are not included on the green sheet.

Correspondence from the TDOT Hazardous Materials Section and copies of the ACM reports are provided in Appendix F.

## **Ecology**

As part of this reevaluation, potential ecological impacts were reevaluated for the project.

In correspondence dated 06/28/22, the TDOT Ecology section stated, "Based on the Preliminary Plans dated 07/29/2019, an Environmental Boundaries Report (EBR) dated (06/28/2022) has been completed. There are three (3) streams, no (0) wet weather conveyances/ephemeral streams, no (0) wet weather conveyances/upland drainage features, and one (1) wetland within the study area".

Labels	Type*	Function	Quality	Impacts **		
				Permanent	Temporary	Total
Wetlands						
WTL-1	Riverine	Water Retention, Nutrient Storage	Moderate	0.0 ac.	0.0 ac.	0.0 ac.
					<b>Total</b>	<b>0.0 ac.</b>

Labels	Type*	Function	Quality	Impacts **		
				Permanent	Temporary	Total
Streams						
STR-1, Misc tribs to Nonconnah Creek	Perennial		Not Assessed	0 ft		0 ft
STR-2, Nonconnah Creek	Perennial		Not Supporting (Habitat)	30 ft		30 ft
STR-3, Latham Bayou	Perennial		Not Assessed	0 ft		0 ft
					Total	30 ft

According to the Impact Table included in the EBR, there are three perennial streams (STR-1 [Misc Tributary to Nonconnah Creek], STR-2 [Nonconnah Creek], and STR-3 [Latham Bayou]) and one wetland (WTL-1) within the project area. According to the Impact Table in the EBR, 0 feet of total impacts are estimated for STR-1, 30 feet of total impacts are estimated for STR-2, and 0 feet of total impacts are estimated for STR-3. Additionally, 0.0 acre of total impacts are estimated for WTL-1.

The correspondence from the TDOT Ecology Section and a copy of the EBR is provided in Appendix G.

### Federally Protected Species List and Biological Assessments

As part of this reevaluation, an updated search of the Tennessee Department of Environment and Conservation (TDEC) rare species database was performed on 05/26/2022.

Rare Species List			
Species Name	Status	Species Potential within Right-of-Way	Accommodations
Blue Sucker	State	Low Potential: Present habitat unsuitable	BMPs
Bewick's Wren	State	Low Potential: Not observed during visit	BMPs

According to the TDEC rare species database, the Blue Sucker (*Cyprinostomus elongatus*) (a state threatened species) and Bewick's Wren (*Thryomanes bewickii*) (a species deemed in need of management), have been reported within a 1-mile to 4-mile radius of the project, however, the species are considered likely not present because habitat within the project area is unsuitable. Therefore, this project will be covered under Category #1 of

the March 2022 Grouped Programmatic No Effect Activities between TDOT and FHWA. It will also be covered under Category #1 of the March 2023 MOA between TDOT, FHWA and TDEC. Numerous barn swallows were noted near STR-2 (Nonconnah Creek). Accordingly, the TDOT Ecology section identified project commitments related to this species, as documented in the Commitments section of this report.

The correspondence from the TDOT Ecology Section and the EBR in Appendix G.

#### *U.S. Fish and Wildlife Service (USFWS) Coordination*

Coordination with the USFWS was completed on 06/10/2022. In correspondence dated 06/10/2022, USFWS concluded "Our database does not indicate the presence of any federally listed or proposed species or designated critical habitat within your project area. Therefore, we do not anticipate take of any federally listed species resulting from the project. Based on the best information available at this time, we believe that the requirements of the Endangered Species Act (ESA) are fulfilled for all species that currently receive protection under the ESA".

The correspondence from USFWS is provided in the EBR in Appendix G.

#### *Tennessee Wildlife Resources Agency (TWRA) Coordination*

Coordination with TWRA was completed on 06/24/2022. In correspondence dated 06/24/2022, TWRA concluded that "we [TWRA] have no concerns regarding the project and do not anticipate adverse impacts to state listed species under our authority due to the project."

The correspondence from TWRA is provided in the EBR in Appendix G.

### **Floodplain Management**

A review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) was conducted for this reevaluation. Portions of this project impact a FEMA defined floodplain and/or floodway; however, there is no work that will affect the base flood elevations or floodway limits. The design of the roadway system will be consistent with the Memorandum of Understanding (MOU) between FHWA and FEMA and with the floodplain management criteria set forth in the National Flood Insurance Regulations of 44 CFR. It will be consistent with the requirements of floodplain management guidelines for implementing Executive Order 11988 and FHWA guidelines 23 CFR 650A.

The project is located on the following FEMA FIRM:

- Panel 410 of 635, Map Number 4715C0410F in Shelby County.

Portions of the FEMA FIRM are included in Appendix H.



## **Air Quality**

### **Transportation Conformity**

On 06/01/2022, the TDOT Air Quality and Noise Section stated, "The project is in the Memphis/Shelby County ozone maintenance area. However, this bridge replacement project is exempt from conformity per Table 2 of 40 CFR 93.126".

The correspondence from the TDOT Air Quality and Noise Section is provided in Appendix I.

## **Noise Impacts**

The 2014 D-List CE (dated 05/29/2014; approved 06/14/2014) and the 2015 D-List CE Reevaluation, noted that no significant noise impacts were anticipated for this project and a noise study was not needed. For the purpose of this reevaluation, this project was most recently coordinated with TDOT's Air Quality and Noise Section in 2022. On 06/01/2022, the TDOT Air Quality and Noise Section stated, "this project is Type III in accordance with the FHWA noise regulation in 23 CFR 772 and TDOT's noise policy."

The correspondence from the TDOT Air Quality and Noise Section is provided in Appendix I.

## **Section 4(f) and Section 6(f)**

### **Section 4(f)**

The 2014 D-List CE (dated 05/29/2014; approved 06/14/2014) indicated that the proposed project would not involve land given protection under Section 4(f) of the Department of Transportation Act of 1966.

For the purpose of this reevaluation, the current plans for the proposed project were reviewed and it was determined that the project would continue to not require the acquisition or use of any properties protected under Section 4(f) of the Department of Transportation Act of 1966.

### **Section 6(f)**

The 2014 D-List CE (dated 05/29/2014; approved 06/14/2014) indicated that the proposed project would not involve the use of any property protected under the Department of Interior's Land and Water Conservation Fund (LWCF) Section 6(f) provisions.

For the purpose of this reevaluation, the current plans for the proposed project were reviewed and it was determined that the project would continue to not require the acquisition or use of any properties protected under the Department of Interior's LWCF Section 6(f) provisions.

## **Cultural Resources/Section 106 Coordination**

### **Historic Preservation**

As part of this reevaluation, potential impacts to historical resources were reevaluated for the project. On 04/17/2022, the TDOT Cultural Resources (Historic Preservation) Section stated, "In a letter dated April 17, 2023, the Tennessee Historic Preservation Office stated 'Based on the information provided, we concur that the boundary for this portion of Nonconnah Creek Pumping Station appears appropriate and that the resource is eligible for listing in the National Register of Historic Places. We further concur that the SR-14 Truss Bridge is not eligible. Therefore, we concur that the project as currently proposed will not adversely affect the Nonconnah Creek Pumping Station.'"

The correspondence from the TDOT Cultural Resources (Historic Preservation) Section is provided in Appendix J.

### **Archaeological Resources**

As part of this reevaluation, potential impacts to archaeological resources were reevaluated for the project. On 10/06/2022, the TDOT Cultural Resources (Archaeology) Section stated, "Based on preliminary plans dated 07/29/19, the SHPO letter dated 4/24/14, stating no National Register of Historic Places listed or eligible properties will be affected by this undertaking, remains valid."

The correspondence from the TDOT Cultural Resources (Archaeology) Section and the SHPO letter, dated 04/24/2014, is provided in Appendix J.

### **Section 106 Coordination**

As part of this reevaluation, potential impacts to cultural resources were reevaluated for this project. Project information and an invitation to participate in the Section 106 process as a consulting party were distributed to the following tribes on 03/31/2022:

- Absentee-Shawnee Tribe of Indians in Oklahoma
- Cherokee Nation
- The Chickasaw Nation
- The Choctaw Nation of Oklahoma
- Eastern Shawnee Tribe of Oklahoma
- Kialegee Tribal Town
- The Muscogee (Creek) Nation
- The Quapaw Tribe of Indians
- Shawnee Tribe
- Thlopthlocco Tribal Town
- United Keetoowah Band of Cherokee Indians in Oklahoma

In a response, dated 06/02/2022, the Chickasaw Nation stated, "we accept the invitation to consults under Section 106 of the National Historic Preservation Act. The Chickasaw Nation is in support of the proposed undertaking and is not presently aware of any specific

historic properties, including those of traditional religious and cultural significance that will be impacted by this project. In the event the agency becomes aware of the need to enforce other statutes we request to be notified under ARPA, AIRFA, NEPA, NAGPRA, NHPA and Professional Standards.”

In a response, dated 06/29/2022, the Choctaw Nation of Oklahoma stated, “the Choctaw Nation of Oklahoma thanks you for the correspondence regarding the above referenced project. Shelby County, Tennessee lies within our area of historic interest. The Choctaw Nation Historic Preservation Department would like to be included as a consulting party on the project.”

On 04/27/2023, the TDOT Native American Coordination Section stated, “an invitation to participate in the Section 106 process was sent on May 31, 2022 to all federally recognized Native American tribes with interests in the subject county. The Chickasaw Nation responded and accepted the invitation to be a consulting party on June 2, 2022. Reports were sent to this consulting party on April 27, 2023. The Choctaw Nation of Oklahoma responded and accepted the invitation to be a consulting party on June 29, 2022. Reports were sent to this consulting party on April 27, 2023. To date, no other responses have been received. TDOT will re-initiate consultation if additional cultural resources studies are required or if archaeological materials or human remains are discovered during construction.

(Following guidance issued on April 8, 2020 by the Advisory Council on Historic Preservation (ACHP) in response to the COVID-19 outbreak, federal agencies are to remain flexible regarding federally recognized Native American tribes’ Section 106 review responsibilities. The ACHP’s guidance furthermore indicates that federal agencies may not foreclose on the statutory rights afforded to federally recognized Native American tribes under the National Historic Preservation Act and regulations implementing Section 106 of the Act. As several federally recognized Native American tribes with interests in Tennessee have indicated that their ability to carry out their Section 106 review responsibilities is diminished or otherwise limited, it should be expected that tribal responses for the subject project may be received subsequent to the date of this ESR and that any such response may require additional information, fieldwork, or coordination with any or all tribes and, perhaps, the SHPO and/or ACHP. An updated ESR will be provided in the event that any additional responses are received, along with updated Section 106 documentation, if any.)”

The correspondence from the TDOT Native American Coordination Section is provided in Appendix J.

## **Environmental Justice**

An Environmental Justice (EJ) analysis was prepared for the project on 08/22/2022. The EJ analysis utilized U.S. Census Bureau data from the 2016-2020 American Community Survey (ACS) 5-Year Estimates database. The proposed project encompasses six census block groups within Shelby County: Census Tract (CT) 53, Block Group (BG) 1;

CT 55, BG 3; CT 56 BG 3; CT 222.10, BG 1 and 2; and CT 225, BG 1. The EJ Table that follows displays the population data for these block groups comparing their respective minority population and low-income population percentages to that of the entire county.

On February 11, 1994, President William J. Clinton issued Executive Order (EO) 12898, Federal Actions to Address Environmental Justice (EJ) in Minority and Low-Income populations. This EO stated that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations."

Minority populations include Black or African American, Hispanic, Asian American, American Indian or Alaskan Native, and Native Hawaiian or Pacific Islander. Low-income populations include those with household income at or below the poverty guidelines published yearly by the U.S. Department of Health and Human Services.

This Environmental Justice Analysis identifies the census tracts and block groups within the project area and determines whether the existing block groups are considered EJ populations. Two threshold indicators are used to identify and report EJ populations as defined in the "Effective Methods for Environmental Justice Assessment" report (National Cooperative Research Program Report 532): (1) the population exceeds the county average by 10 percentage points or more and/or (2) the population is greater than 50 percent of the total population within the block group.

**Environmental Justice Analysis Table**

<b>Minority Populations</b>							
<b>Census Tract (CT) Block Group (BG)</b>	<b>CT 53 BG 3</b>	<b>CT 55 BG 3</b>	<b>CT 56 BG 3</b>	<b>CT 222.10 BG 1</b>	<b>CT 222.10 BG 2</b>	<b>CT 225 BG 1</b>	<b>Shelby County</b>
<b>Total Population</b>	1,604	762	1,335	2,681	689	2,137	<b>936,611</b>
<b>Total Minority Population</b>	1,604	740	1,327	2,632	689	1,860	<b>606,635</b>
<b>% Minority/Non-White</b>	100.0%	97.1%	99.4%	98.2%	100.0%	87.0%	64.8%
<b>Exceeds County % by 10 Percentage Points or More</b>	Yes	Yes	Yes	Yes	Yes	Yes	N/A
<b>Exceeds 50% of Block Group Population</b>	Yes	Yes	Yes	Yes	Yes	Yes	N/A
<b>Meet EJ Criteria?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>N/A</b>
<b>Low-Income Populations</b>							
<b>Census Tract (CT) Block Group (BG)</b>	<b>CT 53 BG 3</b>	<b>CT 55 BG 3</b>	<b>CT 56 BG 3</b>	<b>CT 222.10 BG 1</b>	<b>CT 222.10 BG 2</b>	<b>CT 225 BG 1</b>	<b>Shelby County</b>
<b>Total Population</b>	1,604	762	1,335	2,681	689	2,137	<b>919,250</b>
<b>Total Low-Income Population</b>	806	331	446	632	95	417	<b>174,362</b>
<b>% Low-Income/Below Poverty Line</b>	50.2%	43.4%	33.4%	23.6%	13.8%	19.5%	19.0%
<b>Exceeds County % by 10 Percentage Points or More</b>	Yes	Yes	Yes	No	No	No	N/A
<b>Exceeds 50% of Block Group Population</b>	Yes	No	No	No	No	No	N/A
<b>Meet EJ Criteria?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>N/A</b>

### Minority Populations

The 2016-2020 ACS 5-year estimates show that the minority population for Shelby County is approximately 64.8 percent. Within the project area, minority populations range

from approximately 87 percent (CT 225, BG1) to approximately 100 percent (CT 53, BG 3, and CT 55 BG 3). All of the Block Groups have minority populations exceeding 50 percent of the total Block Group population. Block Groups that satisfy either of these criteria are considered to be EJ populations.

### Low-Income Populations

The 2016-2020 ACS 5-year estimates show that the low-income population for Shelby County is approximately 19 percent. Within the project area, low-income populations range from approximately 19.5 percent (CT 225, BG 1) to approximately 50.2 percent (CT 53, BG 3). Three of the Block Groups (CT 53, CT 55, CT 56) have low-income populations that exceed 50 percent of the total Census Block Group population. Block groups that satisfy either of these criteria are considered to be EJ populations.

### Conclusions

Findings indicate that minority and low-income persons are present within the limits of the project area, with minority individual comprising the majority of the area population. Any right-of-way proposed for the project will be acquired from investment companies, a university, or a railroad; there are no parcels owned by individuals. There may be some minor adverse impacts due to temporary construction impacts; however, this project is not expected to have any disproportionately high and adverse effects to the EJ populations when compared to the general population. Further, the improvements associated with the project will be shared equally amongst all populations.

TDOT will comply with Title VI to ensure that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Documentation related to Environmental Justice is included in Appendix J.

### **Multimodal**

On 09/01/2022, the TDOT Multimodal Transportation Resources Division Section stated, "This project includes sidewalks. Project will proceed as a CMGC project and discussion continues for barrier between travel lanes and sidewalks".

Correspondence from the TDOT Multimodal Transportation Resources Division Section is included as Appendix L.

### **Environmental Commitments**

Environmental Commitments are associated with this project and are provided on the green sheet at the beginning of the document.

Based on this reevaluation, it has been determined that there are no substantial changes in the project's effects or the concept of the project as presented in the 2014 D-List CE, the 2015 D-List CE Reevaluation, the 2015 Right-of-Way memorandum, and the 2019 Initial Studies Request Plans. There are no new developments that would affect the conditions and impacts previously reported. The anticipated impacts have not changed and the examination of the construction plans indicated that there have been no new environmental consequences. In regard to these conclusions, the Department believes that though this project was previously determined to be a D-List CE, based on the current (2018) PCE agreement, this project is being reevaluated as a PCE, as the parameters of this project satisfy the criteria outlined in Section(b)(xviii)(2) of the PCE Agreement. A space is provided below for your concurrence.

Sincerely Yours,

Concurrence: \_\_\_\_\_  
Tennessee Department of Transportation

LLP

CC: TDOT Headquarters Staff  
TDOT Regional Staff  
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