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**BEFORE THE UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION**

**COMPLAINT UNDER  
TITLE VI OF THE  
CIVIL RIGHTS ACT OF 1964**

**42 U.S.C. § 2000d  
49 C.F.R. Part 21.**

ERMA LEE ALEXANDER, an individual,  
MAE MCCLENDON, an individual, LLOYD JONES, an individual,  
BLUEBONNET NEIGHBORHOOD ASSOCIATION, an unincorporated association,

Complainants,

v.

TEXAS DEPARTMENT OF TRANSPORTATION, CENTRAL TEXAS REGIONAL  
MOBILITY AUTHORITY, CAPITAL AREA METROPOLITAN PLANNING  
ORGANIZATION,

Respondents.

## **I. INTRODUCTION**

1. This is a civil rights complaint by individual complainants Erma Lee Alexander, Mae McClendon, and Lloyd Jones, residents of northeast Travis County, Littig Community in Austin, Texas and the Bluebonnet Neighborhood Association (“BNA”), under Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation’s (“DOT”) implementing regulations. The toll road project proposed and approved by Respondents Texas Department of Transportation (“TxDOT”), the Central Texas Regional Mobility Authority (“CTRMA”) and the Capital Area Metropolitan Planning Organization (“CAMPO”) will have a disproportionately high and adverse effect on minority and low-income populations in violation of Title VI implementing regulations.
2. This complaint will show the four elements required to show a prima facie case of a violation of Title VI under DOT Title VI implementing regulations: (1) the challenged decision has an impact; (2) that is discriminatory on the basis of race, color or national origin; (3) caused by a recipient or sub-recipient of federal financial assistance; (4) within the statute of limitations period. 49 C.F.R. §§ 21.3, 21.5(b)(2), 21.11.
3. By failing to meaningfully consider alternatives, propose substantial mitigation measures, and/or provide offsetting benefits, Texas has failed to avoid, minimize, and or mitigate the disproportionately high and adverse effects on low-income and minority populations in violation of DOT’s Title VI implementing regulations.

## **II. RIPENESS**

4. On December 1, 2008, the CAMPO Transportation Policy Board voted to approve terms and conditions for the 290 East toll project, allowing CTRMA to move forwards with financing and development of the toll project.
5. After issuing a Finding of No Significant Impact (“FONSI”) for the 290 East toll project between US 183 and SH 130, FHWA published a notice of limitation under 23 U.S.C. 139(l) in the March 23, 2009 Federal Register. 74 Fed. Reg. 12175. Claims for judicial review, including review of compliance with civil rights and environmental justice requirements, must be filed by September 21, 2009.
6. This complaint is timely filed within 180 days of these final decisions that allow for financing and construction of the 290 East toll project.

## **III. FINANCIAL ASSISTANCE**

7. TxDOT and CTRMA receive federal funds, including but not limited to funds from the Federal Highway Administration (“FHWA”), for projects including

highway construction. Federal funding for the 290 East toll project specifically includes CTRMA's plans to use a federal Transportation Infrastructure Finance and Innovation Act ("TIFIA") loan in the amount of \$270 million. *See* minutes of December 1, 2008 meeting of the CAMPO Transportation Policy Board, Item #8.

8. CAMPO receives federal funds for its planning activities and is charged with approving the use of federal transportation funds in the Austin metropolitan area, including for projects such as the 290 East toll project.

#### **IV. PARTIES**

9. Individual complainants are Mrs. Erma Lee Alexander of Manor, TX (11800 Wesley Street/Littig Road, Manor, TX 78653), Mrs. Mae McClendon of Elgin, TX (18016 Morrow Street, Elgin, TX 78621), and Mr. Lloyd Jones of Elgin, TX (11909 Edward Street, Elgin, TX 78621). All three individual complainants are members of the Bluebonnet Neighborhood Association.
10. Neighborhood association complainant is the Bluebonnet Neighborhood Association ("BNA") of Manor, TX (P.O. Box 131, Manor, TX 78653). The BNA represents the disabled, elderly, low and moderate income, minority, and historically under-served communities in northeast Travis County, Littig Community, and Elgin, Texas in Bastrop County.
11. Complainants live in the 290 East corridor area and currently use the freeway on a daily basis for local trips and to commute to work. The 290 East toll project will adversely and directly affect Complainants by disproportionately harming low-income and minority populations; increasing noise, air, water, and light pollution in operation and during construction; imposing an economic hardship by tolling the project; causing adverse health and safety impacts for those who live, work, go to school, and travel in the corridor; increasing traffic, congestion and cut-through traffic; diminishing community cohesion; providing a substantially inferior option for travel on 290 East in the form of frontage roads; harming businesses adjacent to the highway and depressing real estate values in the area; and contributing to the destruction or impairment of farmland, rural quality of life, native vegetation, water quality, wildlife, and wildlife habitat in the area.
12. TxDOT is an agency of the state of Texas that oversees construction and maintenance of the state's highway system. TxDOT is governed by the Texas Transportation Commission and is headquartered at 125 E. 11th St., Austin, Texas, 78701.
13. CTRMA is an independent governmental agency and a political subdivision of the state of Texas that was created in 2003 to implement transportation projects in Travis and Williamson counties. CTRMA has offices at 301 Congress Ave., Suite 650, Austin, Texas, 78701.

14. CAMPO is the Metropolitan Planning Organization for Williamson, Travis and Hays Counties in central Texas, and is charged with approving the use of federal transportation funds in the region. CAMPO is governed by a Transportation Policy Board made up of elected officials representing cities, counties, and state legislative districts within CAMPO's boundaries, as well as transportation providers. CAMPO is physically located at 505 Barton Springs Rd., Suite 700, Austin Texas, 78704.

## V. STATEMENT OF FACTS

### The Project

15. The 290 East toll project involves the tolled expansion of 6.2 miles of 290 East, between US 183 and Parmer Lane, in eastern Travis County. The proposed project is also known as the "Manor Expressway" by CTRMA, and is estimated to cost \$623.5 million.<sup>1</sup>
16. A five mile segment of the 290 East toll project, between US 183 and SH 130, is the subject of a February 2008 Environmental Assessment ("EA") prepared by TxDOT to comply with the National Environmental Policy Act ("NEPA").<sup>2</sup> This segment is estimated to cost \$459.63 million, and "would be a combination of federal, state, and local funds supplemented with the sale of bonds to be repaid by toll receipts." EA at 18.
17. 290 East between US 183 and SH 130 is currently a four-lane divided roadway with signalized, at-grade intersections. EA at E-1. Connecting streets and abutting properties have direct access to the US 290 travel lanes. *Id.*
18. The 290 East tollway between US 183 and SH 130 will consist of six tolled main lanes designed for 70-mph travel, and six non-tolled frontage road lanes designed for 45-mph travel. EA at 16. The typical right-of-way width would be 415 feet. *Id.*
19. On March 9, 2009, the Federal Highway Administration issued a FONSI based on the February 2008 EA.
20. Another part of the 290 East toll project, the system interchange at 290 East / US 183, appears to have received environmental clearance through separate NEPA documentation in 2002. *See* CTRMA, August 11, 2006 TIFIA Letter of Interest.

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<sup>1</sup>Other basic project information is available at:  
[http://www.mobilityauthority.com/index.php?option=com\\_content&view=article&id=50&Itemid=121#manor-expressway](http://www.mobilityauthority.com/index.php?option=com_content&view=article&id=50&Itemid=121#manor-expressway)

<sup>2</sup> Both the EA and FONSI for 290 East are available at:  
[http://www.txdot.gov/project\\_information/projects/austin/us290\\_east/default.htm](http://www.txdot.gov/project_information/projects/austin/us290_east/default.htm).

21. The Texas Transportation Commission recently approved spending \$90 million in federal stimulus money (i.e. funding from the American Recovery and Reinvestment Act) to help construct the 290 East / US 183 interchange.<sup>3</sup>

### **Demographics of the 290 East Project Area**

22. According to the EA, seven out of ten census tract block groups in the 290 East project area were identified as Environmental Justice (“EJ”) communities. EA at 39.
23. The thresholds used to identify areas with high concentrations of low-income and/or minority populations were developed based on the guidelines established in FHWA Order 6640.23 *FHWA Actions to Address Environmental Justice in Minority and Low-income Populations* and by the Council of Environmental Quality (“CEQ”) report, *Environmental Justice Guidance Under the National Environmental Policy Act*, as well as those used by CAMPO in developing its Long-Range Transportation Plan. EA at 38.
24. A block group was determined to have a high concentration of low-income persons if it: has a meaningfully greater percentage of people in poverty based on the *Census 2000* definition of poverty; and/or (2) the median household income in the block group is 80 percent or less than the median household income for the county (approximately \$46,844 in Travis County). EA at 38-39. Similarly, block groups with high concentration of minority populations were identified as those tracts where the minority (non-white) populations exceeded 50 percent. *Id.* at 39.
25. Five block groups located in the EJ areas had median income levels at or below 80 percent of the median income of the county. EA at 39. Three of the block groups had median family income levels 36 percent or more below the county level. *Id.*
26. According to the EA, seven out of the ten block groups in the study area have a minority population that is greater than 50 percent of the total population in the block group. EA at 34. Minorities account for 68.1 percent of the total study area population and 43.6 percent of the Travis County population. *Id.* As illustrated in Table 20 of the EA, Hispanics and African Americans are the primary groups represented, together comprising approximately 65 percent of the total population of the US 290 study area. *Id.*
27. The Bluebonnet Neighborhood Association is located in the communities adjacent to the 290 East project area. Most or all of the members of BNA live in Census Tract 22.06, Block Group 1, which is one of the block groups that is studied in the

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<sup>3</sup> See pg. 2 of March 5, 2009 list of Commission Approved Stimulus Projects, available at: [ftp://ftp.dot.state.tx.us/pub/txdot-info/stimulus/project\\_list\\_030509.pdf](ftp://ftp.dot.state.tx.us/pub/txdot-info/stimulus/project_list_030509.pdf)

EA and that is designated an Environmental Justice community. See EA at Figure 8.

### **Socio-Economic Impacts on EJ Communities Identified in the EA**

28. The EA states: “The area surrounding the project is identified as containing high concentrations of low-income and/or minority populations; therefore, indirect impacts could potentially include effects on the adjacent EJ community; including low-income users who would potentially travel on the improved roadway.” EA at 88-89.
29. The EA found there to be “*potentially substantial indirect effects* to the socio-economic character of the US 290 project area, such as a change in travel patterns and transit usage.” EA at 89 (emphasis added).
30. The EA also found that economic impacts and travel impacts related to tolling would have potential cumulative effects on low income and minority populations. EA at 88-89.
31. As acknowledged in the EA, low-income households would spend a higher proportion of household income to use the facility when compared to the average Travis County household. EA at 67. Census data reveal that approximately 18.7 percent of individuals living in the EJ block groups adjacent to US 290 have incomes that are below the poverty level. *Id.*
32. The EA generated a worst case analysis scenario regarding the economic impact of the new toll road on the EJ populations. EA at 67-68. For this analysis, it is assumed that the toll rate would be set at 15 cents per mile (when averaged over the length of the project) and that the average user would make 250 round-trips per year. Under this scenario, the annual cost to use the entire 5-mile facility would be approximately \$375 per year. A user with an annual household income equal to the median family income of Travis County (\$58,555) would spend less than one percent (0.64%) of the household income on tolls. If the toll usage and toll rate assumptions remain the same as above, households with incomes at the 2008 poverty level (i.e. \$21,200 for a family of four) would spend approximately 1.8 percent of annual household incomes on tolls, approximately 1.16 percentage points more than the average household.
33. The EA also generated a worst case analysis of the 290 East toll project’s level of service during peak hours. EA at 7-9.

## **VI. ARGUMENT**

34. Title VI of the Civil Rights Act of 1964 provides: 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. 42 U.S.C. § 2000d.

35. DOT and FHWA implementing regulations prohibit recipients from making decisions which have the *effect* of subjecting individuals to discrimination. DOT Title VI implementing regulations provide that: A recipient, in determining the types of services . . . or other benefits . . . which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program . . . may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin. 49 C.F.R. § 21.5(b)(2)(i), (iv); *see also* 49 C.F.R. § 21.1.
36. FHWA's regulations establish that the State shall not locate, design, or construct a highway in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, color, or national origin. 49 C.F.R. § 21, Appx. C.
37. The regulations further provide a non-exhaustive list of specific discriminatory actions that are prohibited. Regarding sites, the regulations provide: "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." 49 C.F.R. § 21.5(b)(3); *see also* § 21.5(d).
38. FHWA is bound by Executive Order 12898, Environmental Justice in Minority & Low Income Populations (1994) and must take action to address the issues raised in this complaint. The Order provides: "In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities."
39. FHWA defines a "disproportionately high and adverse effect on minority and low-income populations" as an adverse effect that: "(1) is predominantly borne by a minority population and/or a low-income population; or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non low-income population." FHWA Actions to

Address Environmental Justice in Minority Populations and Low-Income Populations, Order 6640.23 (Dec. 2, 1998), at § 1(g).

40. FHWA's policies and procedures require the agency to identify and avoid discrimination by (1) identifying and evaluating "environmental, public health, and interrelated social and economic effects"; (2) "proposing measures to avoid, minimize, and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals"; (3) considering alternatives that "would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts"; and (4) "providing public involvement opportunities and considering the results thereof, including providing meaningful access to public information concerning the human health or environmental impacts and soliciting input from affected minority and low-income populations in considering alternatives during the planning and development of alternatives and decisions." Order 6640.23 at § 5(c).

**The 290 East Toll Project Imposes Disproportionately High and Adverse Economic Impacts on the EJ Communities in the Area**

41. Because the members of the Bluebonnet Neighborhood Association are minority and low-income households, Complainants are among the class identified in the EA that "would spend a higher proportion of household income to use the facility when compared to the average Travis County household." See EA at 67.
42. Complainants will be forced to spend more money as a percentage of income on their commute on 290 East when compared to the average Travis County resident, resulting in disproportionately high and adverse economic impacts.
43. This assertion is further reinforced by the fact that Complainants are part of the EJ communities surrounding the 290 East project. According to Executive Order 12898, Environmental Justice communities are to be identified based on certain income and racial demographics. As noted in the EA, a census tract ("CT") that meets the Executive Order's income and racial thresholds is one that "1) has a meaningfully greater percentage of people in poverty based on the *Census 2000* definition of poverty; and/or 2) the median household income in the block group is 80 percent or less than the median household income for the county (approximately \$46,844 in Travis County). Similarly, CTs with high concentration of minority populations were identified as those tracts where the minority (non-white) populations exceeded 50 percent." EA at 39. Complainants reside in Census Tract 22.06, Block Group 1, which the EA identifies as being composed of 54.3% minorities and designates as an EJ area. EA at 42 (Table 27); see also Figure 8. Thus, Complainants are part of an EJ community and may not be discriminated against.



44. According to prior case law regarding disproportionate impacts in racial discrimination cases, there seems to be ample evidence of a disproportional impact on the EJ communities pertaining to the 290 East toll plan. In the United States Supreme Court case of Castaneda v. Partida, 430 U.S. 482 (1977), the plaintiff/respondent asserted a denial of due process and equal protection stemming from gross under-representation of Mexican-Americans on the county grand juries. In this case, the county population was 79% Mexican-American, but, over an 11-year period, only 39% of those summoned for grand jury service were Mexican-American. The U.S. Supreme Court held that this statistical proof offered by respondent was sufficient to demonstrate a disproportional impact, and therefore a prima facie case of intentional discrimination. Thus, a 2 to 1 difference in percentages (79% vs. 39%) was deemed to be enough to establish that a disproportional impact had occurred.
45. In the 290 East project, according to the EA, “A user with an annual household income equal to the median family income of Travis County (\$58,555) would spend less than one percent (0.64%) of the household income on tolls. EA at 67-68. “If the toll usage and toll rate assumptions remain the same as above, households with incomes at the 2008 poverty level (i.e. \$21,200 for a family of four) would spend approximately 1.8 percent of annual household incomes on tolls.” *Id.* at 68. This statistic translates into a 3 to 1 difference (0.64% tripled equals approximately 1.8%), of annual household income spent by EJ residents when compared to the average Travis county household.
46. Because the percentage discrepancy in the 290 East project is even larger than the relative percentage difference deemed to be disproportionate by the court in Castaneda (3:1 and 2:1, respectively), it is certain that a disproportionate economic impact will be imposed on the surrounding EJ communities who rely on 290 East for local trips and commuting to work.
47. Moreover, the economic burden on these communities is likely to be an even larger percentage of their income when the toll road opens. As discussed above, the EA’s “worst case” analysis is based on an average toll of 15 cents per mile. Under the terms and conditions for the 290 East toll project, the initial toll rate is actually 15-20 cents per mile and 25-50 cents per mile for direct connector usage, in 2007 dollars. The tolls will also escalate each year in operation by a formula based on the Gross Domestic Product per capita and the Consumer Price Index for the years immediately preceding the year of adjustment. In sum, the estimated 15 cent toll fee is likely to be higher, and therefore a higher percentage of household income, when the toll road opens and operates.
48. The worst case analysis of economic impacts is further flawed in that it only assumes 250 round-trips per year, which amounts to a single round-trip per household for each work day in a year. Lower income households, however, will often have two principal wage earners. Furthermore, many residential subdivisions in the area presently have their principal or sole access to 290 East,

along with a relative absence of secondary alternative access. Therefore, these households will have to use the 290 East toll road for more than just a five-day-a-week work commute, or else the family suffers diminished access to shopping, schools, church and other civic or social activities.

49. With respect to mitigation, the EA does not even commit CTRMA and TxDOT to the suggested “strategies to alleviate the financial barriers associated with tolling.” EA at 110. The token mitigation efforts, which even if implemented would not come close to alleviating the adverse economic impacts on EJ communities, are only being “considered” and “possibly include[d].” *Id.*

**Operation of the 290 East Toll Project Also Imposes Disproportionately High and Adverse Level of Service Impacts on Low-income and Minority Populations**

50. The EA generated a worst-case analysis of peak hour Level of Service (“LOS”) for the 290 East toll project. EA at 7-9, Table 5. This analysis involves projecting LOS on seven different segments of 290 East under the build and no-build scenarios in 2031. See EA Table 5. Under the build scenario, this analysis shifts the majority of traffic to the frontage roads and compares the LOS to the tolled lanes.
51. The EA states on page 9:  
“If improved as proposed, through traffic lanes would be separated from local traffic lanes and US 290 would maintain a desirable LOS (A or B) on the mainlanes throughout the project limits in 2031. Even under the worst-case LOS analysis where the majority of traffic is shifted to frontage roads, frontage road LOS in 2031 would substantially improve in most locations over those of the no-build scenario. Even though the frontage roads are wider than existing US 290 (three lanes in each direction versus current two lanes), growth in traffic does eventually cause LOS E or F operations at some locations by 2031 under the worst-case methodology. However, under the build scenario, the tolled mainlanes would provide an alternative for through traffic to avoid congestion. This option is not available under the no-build scenario.”
52. Table 5 on page 8 of the EA shows that during peak morning hours in 2031, traveling westbound (toward Austin) on 290 East, the frontage roads on 4 of the 7 segments of 290 East will have a LOS of “E” or “F.” Similarly, during peak evening hours, traveling eastbound on 290 East, the frontage roads on 5 of the 7 segments on 290 East will have a Level of Service of “E” or “F.”
53. Under the 2031 LOS projected in the EA, drivers using 290 East frontage roads during true peak conditions (i.e. west-bound to Austin in the morning to get to work, and east-bound in the evening to return home) will more likely than not encounter a failing or near-failing LOS. In each of these instances, there is either no improvement from no-build LOS to build LOS (i.e. the frontage roads are an

“F” under both scenarios) or the improvement, if one can even call it that, is from a no-build LOS of “F” to a build LOS of “E.” Meanwhile, those who are able to pay every day to travel to work on the tolled lanes will have an LOS of “A” or “B”—on the same segments where the frontage roads are an “E” or “F.”

54. Comparing these same 2031 frontage road LOS projections to current level of service on 290 East, one can see that building the project causes or allows traffic to worsen, going from a “B,” “C,” or “D,” to an “E” or “F.” Thus, low-income and minority drivers who currently use the 290 East freeway, and who will have no choice but to use frontage roads after implementation of the 290 East tollway, are being denied the benefits of the transportation project.
55. On its face, the EA demonstrates that operation of the 290 East toll project will result in a disproportionately high and adverse impact on low-income and minority populations. As the no-build vs. build LOS projections demonstrate, those who cannot afford to pay tolls will have to travel on failing frontage roads at peak hours and will therefore be denied the benefits of this federally-funded transportation project.
56. The only alternative to congested frontage roads is the following: “under the build scenario, the tolled main lanes would provide an alternative for through traffic to avoid congestion.” EA at 9. As discussed above, the economic impact of paying a toll to travel on 290 East falls disproportionately on environmental justice communities.
57. The 290 East project thus puts low-income and minority travelers between a rock and a hard place, providing no alternative to a project composed of low-LOS “free” frontage roads and high-LOS but prohibitively expensive tolled lanes.
58. 290 East is currently the only east-west corridor in northeast Travis County that allows for equitable terms of travel in relation to time and distance in commuting to and from Austin, Bastrop, and the surrounding metropolitan areas. Re-configuring the only commuter highway into a toll road, with no alternative routes for those unable to pay daily tolls, is a significant and adverse disparate impact. Other currently-existing east-west routes are primarily two lane roads, which present a hazardous and time-consuming option to driving on 290 East. Even worse, additional traffic on these back-country roads from toll avoidance and avoidance of congested frontage roads will only aggravate safety concerns and adverse impacts on communities from cut-through traffic.
59. At the same time, the 290 East toll project will close the link in a part of the regional toll system, which already includes the nearby north-south toll roads of US 183-A and SH 130. The disproportionate impacts on EJ communities east of Austin will only intensify as alternatives to the regional tollway system disappear and cumulative impacts become more severe.

**Comments in the Record Establish Disproportionately High and Adverse Impacts on Low-Income and Minority Populations from Socio-Economic and Operational Effects of the 290 East Toll Project, and also Point to Failures in the Public Involvement Process**

60. The 290 East toll project's adverse economic impacts and adverse operational impacts were raised in comments included in the EA. Appendix E of the EA summarizes the comments from leaders of three prominent community groups who asserted significant discriminatory impacts stemming from implementation of the 290 East toll project. These comments also pointed out failures in the public involvement process. The leaders whose comments are summarized are Greg Marshall of the Capital City African American Chamber of Commerce, Olga Cuellar of La FUENTE Learning Center, and Susana Almanza and Daniel Llanes of PODER.
61. As summarized, "Mr. Marshall stated that the tolls would be a burden on the people living next to the highway. He noted that the non-tolled frontage roads needed 'to work' and move freely in order for them to mitigate some of the issues. He expressed concerns that the toll roads were primarily on the east side of Austin. He noted that this was a less economically viable section of town." Appx. E at 4. "Mr. Marshall felt *the local community would do anything to avoid the toll roads*. He stated that *the community cannot understand why they have to pay to use a road that was free before the proposed improvements*. He suggested that tolling should be for longer distances and for new location projects." *Id.* (emphasis added).
62. From La FUENTE, "Ms. Cuellar pointed out that the east side toll roads surround the lower income, minority population on the east side of Austin. She noted that *the lower income population would use the free frontage roads where it is congested and could be subjected to more pollution*. She noted that *the lower income population would not use the toll roads, because they need their money for food, medicine, etc.*" Appx. E at 4 (emphasis added).
63. Ms. Cuellar's written survey stated: "The toll roads proposed for East Austin once built would *cause a hardship to many minority families*. They would also cause a class distinction between those who are able to afford tolls and those unable to afford tolls. *Only toll road users will realize the benefits of safer, quicker, and environmental efficient roads, while those unable to afford the tolls will commute on the less safer, more stop and go, and more polluted access roads.*" Appx. E at 5 (emphasis added).
64. These and other comments about the 290 East toll project establish the existence of significant discriminatory impacts and significant disproportionately high and adverse impacts on low-income and minority populations. The essential points about adverse impacts to EJ communities because of economic hardship,

congested frontage roads, toll avoidance, the siting of the project, and increased pollution in the communities surrounding 290 East, are not adequately analyzed, mitigated, and/or outweighed by offsetting benefits.

65. In response to the concerns of economic hardship, the EA does not propose to lower the toll rate for EJ communities. Instead, the EA proposes to adjust TxTAG fees “for qualified low income residents within the CTRMA jurisdictional boundaries.” This measure does not adequately mitigate the economic hardship nor does it benefit the many drivers living outside of Travis and Williamson counties (i.e. the jurisdiction of the CTRMA) who rely on 290 East to commute to work.
66. The EA states that the addition of two non-tolled travel lanes, will “improve[] mobility for all users of the US 290 corridor.” EA at 116, Appx. E at 3. The lanes that will be added are part of the frontage roads for the 290 East toll project. The assertion that all users will benefit does nothing to address the underlying inequity of a two-tiered transportation project in which one class of users (those who can pay tolls) receives a high level of service and can travel up to 70 mph, and another class of users (low-income and minority drivers who cannot pay tolls) must travel on congested frontage roads limited to 45 mph. In addition the frontage roads of the 290 East tollway will, in all likelihood, have more signals, driveway cuts, and traffic (and hence less mobility) than what exists today
67. Under NEPA, the comments discussed above along with others, establish significant impacts and controversy warranting preparation of an Environmental Impact Statement. The essential points about adverse impacts to EJ communities because of economic hardship, congested frontage roads, toll avoidance, the siting of the project, and increased pollution in the communities surrounding 290 East, amount to a substantial dispute over the size, nature, and effect of the proposed project that is not appropriate for study in the context of an EA.
68. It is also worth noting that Travis County Commissioner Ron Davis, who represents Precinct 1 where the 290 East toll project is located, has on several occasions publicly stated his opposition to tolling 290 East.
69. On public involvement, the EA notes: “Ms. Cuellar suggested that materials be prepared at a third-grade level to reach the uneducated members of the community.” Appx. E at 5. From PODER, Ms. Almanza “stated *that a lot of the community was not aware of the toll roads and that some in the community do not understand the abstract concept of tolling.* They felt that *east Austin has not been part of the dialogue on tolling.* Most people in east Austin do not understand TxDOT press releases, and they felt that TxDOT materials need to be written at an eighth grade level of understanding.” Appx. E at 5 (emphasis added).
70. The EA’s response to the concerns about the public involvement process is as follows: “The CTRMA would attend/initiate community events or visit

community centers within environmental justice communities to educate residents on the toll roads and to assist them in establishing TxTag accounts. CTRMA, in partnership with TxDOT, has developed a public involvement program that includes a website, monthly newsletter and mailings, and a media program that coordinates appearances of a CTRMA spokesperson for interviews with radio, television, electronic, and print outlets. CTRMA also has a staff of public involvement consultants to gather public input and provide feedback.” Appx. E at 2.

71. It is unclear from this response whether some of CTRMA’s public involvement efforts were performed as part of the EA or were contemplated to occur after approval of the 290 East toll project. In any case, assistance in establishing TxTAG accounts does nothing to establish a dialogue with the community, nor does it educate or involve the public as to why the expansion of 290 East is being proposed as a toll project to begin with. The EA does not demonstrate that the responsible entities have, in fact, educated EJ communities about toll roads or made efforts to tailor their communications to reach uneducated members of the community (such as Ms. Cuellar and Ms. Almanza suggested) or members of the community without access to the internet.
72. The FONSI states that only two public meetings were held on the 290 East toll project, and one public hearing. There were no meetings or hearings specifically geared to environmental justice issues, and the timing, location, and substance of the meetings and hearing that were held were such that the responsible entities failed to reach an acceptable segment of the EJ communities that will be affected by the project.
73. Overall, the lackluster public involvement process falls well short of the duty to provide “meaningful access to public information concerning the human health or environmental impacts and soliciting input from affected minority and low-income populations in considering alternatives during the planning and development of alternatives and decisions.” FHWA Order 6640.23 at sec. 5(c).

**There Are Other Disproportionately High and Adverse Impacts that Have Not Been Adequately Analyzed And/Or Mitigated, Nor Has There Been an Adequate Study of Reasonable, Non-Tolled Alternatives to the 290 East Toll Project**

74. Because the 290 East toll project will consist of a greatly expanded right of way (typically 415 feet) and frontage roads that will admittedly be congested at peak hours, EJ communities in the project area will also suffer disproportionately high and adverse health, safety, and aesthetic impacts. By bringing the road closer to communities and inducing growth and travel along 290 East, EJ communities will be disproportionately harmed by increased noise, air, water, and light pollution along the toll road.

75. Roadside air quality impacts are extremely hazardous to human health, especially for children and people with medical conditions such as asthma. The EA discloses that the Manor Middle School and Oakcrest Manor Nursing Home are within the 0-100 meter range of the roadway (the range at which impacts from air toxics is the greatest) and further notes: “The localized increases in MSAT concentrations would likely be the most pronounced for areas adjacent to the project area along the frontage roads.” EA at 77. The EA does not meaningfully discuss whether the adverse impacts from increased MSAT concentrations will fall disproportionately on EJ communities, nor does the EA propose any mitigation for the adverse health impacts that will be borne by low-income and minority populations living, working, and going to school in proximity to the toll road.
76. The EA also fails to account for adverse safety impacts that will be caused by the 290 East toll project’s expanded right-of-way, increased traffic volume, and congestion along the frontage roads. The scale, design, and operation of the project especially raise safety concerns for pedestrians and bicyclists attempting to cross 290 East.
77. The EA woefully underestimates induced growth and induced travel from the toll road, and fails to meaningfully consider adverse impacts caused by the change in the quality of development (i.e. from rural surroundings to strip development) that will inevitably follow from implementing continuous frontage roads. The EA also downplays the enhanced rate of growth, and associated adverse impacts on the surrounding EJ communities (i.e. construction impacts, destruction of farmland, diminished community cohesion), that will follow from expanding 290 East from 4 lanes to 12.
78. In terms of cumulative effects in the EJ context, the EA only considers economic impacts and travel time impacts. *See* EA at 100. A true analysis of cumulative impacts in the environmental justice context would consider not just similar toll road building actions, but also similar pollution-generating activities that are disproportionately borne by low-income and minority populations—for example, landfills and cement plants that have disproportionately located in the 290 East area.
79. In any case, the EA’s admission that 45% of the regional toll system will be located within or adjacent to EJ areas (EA at 101) is, on its face, a significant cumulative impact for both NEPA and Title VI purposes. The figure of 45% is actually much greater when one considers that the Loop 360 and SH 45 SW projects, which are included in TxDOT’s analysis of the regional tollway system, have no funding and are currently not included in the region’s Transportation Improvement Program. A 2006 letter from PODER to CTRMA and CAMPO shows that the “Phase II” toll system, not counting Loop 360 and SH 45 SW, actually distributes 143 lane miles within EJ areas vs. 36 miles outside EJ areas. The letter also shows that 83.9% of Phase II revenues will come from toll roads in

- EJ areas. Regarding TxDOT's study of travel time impacts of the regional toll system in Appendix F of the EA, it is still unclear whether there is a true analysis of impacts to those who travel solely along frontage roads, such as would be the case for low-income and minority individuals. The analysis uses "an aggregated estimated travel time" (Appx. F at 10) that may be misleading and that may not reveal the true travel time impacts of the system on EJ communities.
80. Perhaps most importantly, in terms of deficiencies, is that the EA fails to meaningfully consider non-tolled, scaled-back alternatives that would minimize disproportionately high and adverse health, environmental, and socioeconomic impacts to low-income and minority populations.
  81. The EA mentions in its section on preliminary alternatives that a six-lane divided arterial was considered, but ruled out for further study based on the reasons listed on pg. 14.
  82. First of all, the EA's traffic estimates are severely undermined by the downward trend in traffic on 290 East starting in 2006, which is shown in TxDOT's own traffic counts. The EA, which was completed in 2008, and revised from the August 2006 EA, inexplicably uses *2005 TxDOT data* to estimate future traffic on 290 East. See EA pg. 6, Table 3. The EA cannot provide realistic traffic projections with such data, and the consideration of alternatives is accordingly skewed and arbitrary.
  83. Secondly, the assumption that only a tolled project can fit the project's purpose and need by accelerating delivery of a transportation project on 290 East, fails to consider the \$90 million in stimulus money that TxDOT has approved for the 290 East toll project (which the agency plans to use for constructing the interchange at 290 East / US 183). Instead of using this money to close the link in an inequitable regional toll system, the stimulus funds should be considered as a source of money for a non-tolled transportation project on 290 East that would provide a benefit to the entire community and not discriminate against low-income and minority populations.
  84. As mentioned above, 290 East is a vital east-west corridor for which no reasonable alternatives currently exist. Locating a toll project in this context, where many members of EJ communities currently depend on 290 East for local trips and commuting to work, amounts to choosing a site for the facility that has "the effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination." 49 C.F.R. § 21.5(b)(3).
  85. Overall, the EA's arbitrary examination of only tolled alternatives or no-build fails to satisfy the legal requirements of Title VI, environmental justice, and NEPA.



86. Similarly, the EA fails to provide adequate mitigation or offsetting benefits for significant and disproportionately high and adverse impacts such as would satisfy Title VI and environmental justice requirements and justify a “Finding of No Significant Impact” under NEPA.

## VII. CLAIMS

87. TxDOT, CTRMA, and CAMPO violated Title VI and 49 C.F.R. § 21.5(a) by taking actions, including deciding to construct the 290 East toll project, that have the purpose or effect of excluding minorities from participation in, denying minorities the benefits of, and otherwise subjecting minorities to discrimination.
88. TxDOT, CTRMA, and CAMPO violated 49 C.F.R. § 21.5(b)(2) by utilizing criteria or methods of administration that have the effect of subjecting persons to discrimination because of their race, color, or national origin, or that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin. Respondents violated the the law by *inter alia*:
- a. Using criteria and methods of administration that result in disparate treatment of toll roads, community opposition, and the preferences of local elected officials in minority communities;
  - b. Failing to meaningfully comply with environmental justice requirements with respect to public involvement and dissemination of project information and impacts;
  - c. Failing to meaningfully consider non-tolled, scaled-back alternatives to the 290 East toll project and regional tollway system that would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts on EJ communities;
  - d. Failing to consider current traffic data and financial options (i.e. federal stimulus money) in the examination of alternatives;
  - e. Failing to adequately analyze or mitigate adverse health, safety and environmental impacts to low-income and minority communities and individuals who live, work, travel, and go to school in the 290 East corridor;
  - f. Failing to provide offsetting benefits or adequately mitigate adverse socio-economic impacts to EJ communities, including the disproportionately high and adverse economic impacts caused by tolling and diminished community cohesion;
  - g. Denying benefits and access to low-income and minority populations by replacing freeway lanes with frontage road lanes subject to extreme congestion, lower speed limits, and increased signalization and driveway access;
  - h. Failing to meaningfully consider disproportionate benefits conferred on non-minority and middle to high-income commuters; and
  - i. Failing to meaningfully consider adverse cumulative impacts on EJ communities from the regional tollway system.
89. TxDOT, CTRMA, and CAMPO violated 49 C.F.R. § 21.5(b)(3) and § 21.5(d) by selecting sites or locations that have the purpose or effect of excluding minorities

from participation, denying minorities benefits, and otherwise subjecting minorities to discrimination. Respondents' site selection is discriminatory because *inter alia*:

- a. 290 East is heavily relied upon by minority individuals for local trips and commuting to work, and upon implementation of the 290 East toll project there will be no east-west route that provides an equitable option to 290 East;
- b. The greatly expanded right-of-way incorporated into the 290 East toll project, and the congestion that will occur along the frontage roads, will cause highway-related pollution that will be disproportionately borne by minority populations living, working, traveling, and going to school in the 290 East corridor;
- c. Minority individuals who cannot afford to pay tolls will be forced to travel on substantially inferior frontage roads;
- d. Respondents failed to conduct an adequate public process concerning site selection and associated impacts on EJ communities. Respondents failed to meaningfully consider input offered by local elected officials and representatives of EJ communities establishing that 290 East was an inappropriate site for a toll project and recommending that different locations should be examined; and
- e. Respondents failed to adequately consider non-tolled alternatives, commit to substantive mitigation, or provide offsetting benefits that would alleviate adverse impacts to minority communities that result from siting a toll project on 290 East and siting a large portion of the regional tollway system in minority communities.

## VIII. REMEDIES

90. DOT regulations allow DOT to use any means authorized by law to obtain compliance with Title VI. 49 C.F.R. § 21.13(a). In order to provide effective remedies for the discrimination set forth in this Complaint, DOT should require, as a condition of continuing to provide federal financial assistance, that Respondents take "affirmative steps to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin." 49 C.F.R. § 21.5(b)(7).

Wherefore, Complainants seek the following relief:

91. That the Office of Civil Rights accept this complaint pursuant to 49 C.F.R. § 21.11(b).
92. That an investigation be conducted pursuant to 49 C.F.R. § 21.11 to determine TxDOT, CTRMA, and CAMPO's compliance with the law, including a review of the pertinent practices and policies of Respondents, the circumstances under which the possible noncompliance occurred, and any other factors relevant to a determination as to whether the recipient has failed to comply with the law.
93. That TxDOT, CTRMA, and/or CAMPO, as appropriate, be ordered to:
  - i. Conduct a substantive, meaningful analysis of civil rights and environmental justice issues surrounding the 290 East toll project and the

- regional toll system, including the decisions and decision-making process involved in those plans, by an entity experienced in such analyses;
- ii. Consider the federal stimulus money approved for the 290 East / US 183 interchange, and any other sources of funding, to construct a non-tolled, scaled-back, highway expansion project for 290 East that would add two or four freeway lanes and associated non-tolled improvements;
  - iii. Designate any future improvements to 290 East as non-tolled only;
  - iv. Refrain from adding tolled highway lanes in the 290 East corridor; and
  - v. Refrain from building the 290 East / US 183 interchange.
94. That, should voluntary measures fail, the Office of Civil Rights suspend or terminate federal financial assistance to TxDOT, CTRMA, and/or CAMPO, as appropriate, or take such other measures as are appropriate under 49 C.F.R. § 21.13.
95. That, if any tolled project does go forward on 290 East, an Environmental Impact Statement (EIS) be prepared to evaluate significant impacts, provide substantive mitigation, detail offsetting benefits, undertake consideration of reasonable (including non-tolled and scaled-back) alternatives, and engage the community in an honest and open dialogue that will address transportation needs in the 290 East corridor with due regard for the civil rights / environmental justice issues involved with the project area.
96. Complainants respectfully request that they be provided with copies of all correspondence to or from Respondents throughout the course of the investigation, deliberation and disposition of this Complaint.

## **IX. CONCLUSION**

97. The proposed 290 East toll road will cause disproportionate and adverse impacts on Complainants and other residents of the project area in violation of Title VI of the Civil Rights Act of 1964. Unless DOT takes action to remedy these impacts, low-income and minority residents of the affected communities will bear an undue burden and will effectively be denied participation in a project that receives federal funding.

DATE: April 23, 2009

Respectfully submitted,

FOR COMPLAINANTS

/s/ D'Ann Johnson

D'ANN JOHNSON

MICHAEL GRAHAM

Texas RioGrande Legal Aid, Inc.

/s/ Andrew Hawkins

ANDREW HAWKINS

Save Our Springs Alliance

/s/ Marybelle Nzegwu

MARYBELLE NZEGWU

Center on Race, Poverty & the  
Environment

SAN SABA

LLANO

BURNET

LLANO

BLANCO

KENDALL

COMAL

BELL

MILAM

WILLIAMSON

LEE




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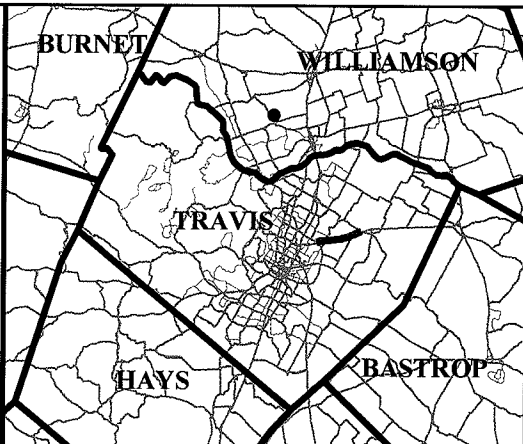
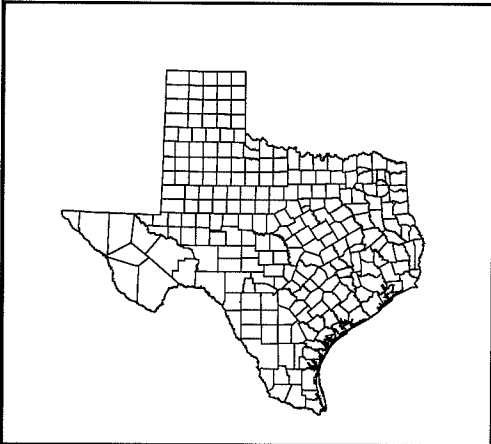
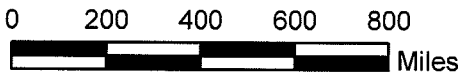
BASTROP

HAYS

CALDW

### Census Tracts

-  Environmental Justice (EJ)
-  Non EJ
-  project limits



**FIGURE 13:  
ENVIRONMENTAL JUSTICE  
RESOURCE STUDY AREA**

U.S. 290  
from U.S. 183 to S.H. 130

Environmental Assessment  
Travis County, Texas

**Title VI Disparate Impact Petition Residents Of Elgin Manor Area Region**

**Date, Name, Address, Will Your Family Be Negatively Impacted/Yes or No**

Date	Name	Address	Will Your Family Be Negatively Impacted/Yes or No
1-25-2009	P.O. Box 131	MANOR, TX 78653	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-2009	P.O. BOX 2034	MANOR, TX 78653	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-2009	E. Geline J. Robinson	8700 Parkfield Circle TX	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Olma J. Benson	600A West Alamo 78621	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Liberty Bennett	Elgin, TX	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Ramona McFarlin	151 Ella Lane Elgin TX	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	637 Pella	Austin TX 78724	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Reese	P.O. Box 1736, Round Rock, TX 78680	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Ernie	202 E Woodley Dr Austin TX 78753	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Karen Robinson	13913 Corner Downs Pkwy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	W. Mackey	102 Rickburg Ln Elgin TX	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Melma J. Riley	107 Valley Run Tr. Elgin, TX	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Deborah Davis	6810 Creek Village, Katy, TX 77449	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Pauline Jackson	2092 Hwy 95 N Bastrop TX 78602	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	John Jones	326 Old Sayers Road	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Kevin Moore	3357 Pioneer Crossing, Round Rock, TX 78664	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Penelope Loving/White	104 Van Buren St Elgin TX	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Lottie Loving	2745 S L N Elgin	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Dawn Loving	1224 S L N Elgin	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Ruby Montgomery	7605 Bennett, 78752 Aust	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Michael Moore	PO BOX 1034 MANOR TX 78653	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Paula Mayhew	13001 Deterbahn Trail Elgin	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Dayid Townsend	159 Ella Ln	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Boia Moore	106B Hillside	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Johnny Jones	#61 326 C. Oldsayers	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Wynold Holman	321 Hwy 290 E	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Patricia McFadden	12609 Duskwood #247 Austin	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Walter L. Loring		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	James Hernandez	107 Ella Ln	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Gail H. Hunter	PO BOX 1034 MANOR TX 78653	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Gabriel Ortiz		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Jose L. Lopez		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Lindsey Dominguez		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Alexandro Aguilar		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Wesley C. Moore		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1-25-09	Howard Thomas	119 Washington	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

36 signatures 1-25-09 DLM

**Title VI Disparate Impact Petition Residents Of Elgin Manor Area Region**

**Date, Name, Address, Will Your Family Be Negatively Impacted/Yes or No**

2-1-09	James Hendricks	7205 Bethesda	Yes	No
2-1-09	Latoya Ross	7607 Blessing Ave Aust.	Yes	No
2-1-09	Keatina Jones	326 old Sayers Rd. Elgin, TX	Yes	No
2-1-09	Darrell Zeno	5906 <del>Hill</del> Irish Hill, Houston	Yes	No
2-1-09	Robin Blackwell	P.O. Box 80944 Austin, TX	Yes	No
2-1-09	Rev. James D. Sulcer	9453 Hwy 290 Austin, TX	Yes	No
2-1-09	Rev. Sis. Linda Gub Roberts	1187 Harvey Ln. 108 Austin, TX	Yes	No
2-1-09	Elizabeth C. Reese	525 Hidden Oaks Dr Elgin, TX	Yes	No
2-1-09	Marilyn Don	5110 Woodmoor Dr. 78723	Yes	No
Feb 1, 2009	Mary Alice Nurse	12007 Dessau Road Apt. 325/Austin, Tx 78754	Yes	No
2-1-09	Berry Russell	525 Hidden Oaks Dr Elgin, TX	Yes	No
2-1-09	ESSIE BARNES		Yes	No
2-1-09	Edith Mitchell	1054 R Springdale Rd Elgin, TX	Yes	No
2-1-09	Laneta Elena	11090 S. Springdale Rd Elgin, TX	Yes	No
2-1-09	Roybell Jones	1805 E. Hank St. Elgin, TX	Yes	No
2-1-09	Rory Ross	409 Delmar Ave Elgin, TX	Yes	No
2-1-09	Donnell Sweller	17906 Little Rd Elgin, TX	Yes	No
2-5-09	ETMA Lee Alexander		Yes	No
		11800 WESLEY ST. LITTLA Rd.	Yes	No
		MANOR, TEXAS 7-8653	Yes	No
		512-294-3789	Yes	No
2-5-09	Lloyd Jones	18628 Moorhead - Elgin TX 78621	Yes	No
	Stephen Jones	11909 Edward St. Elgin Tx 78621	Yes	No
		2815059 Lloyd + Steve Jones	Yes	No
2-7-09	Mae Milendon	18016 Morrow Sr 2812458	Yes	No
		Elgin, Tx 78621	Yes	No
2-7-9	Serothy Fowler	12046 Ballint Rd. Elgin, TX	Yes	No
2-7-9	Lorena Fowler	12046 Ballint Rd. Elgin, TX	Yes	No
1-8-09	Donald Nolan	143 JACKSON ST. ELGIN, TX	Yes	No
7-8-09	Tommy Coit	ELGIN	Yes	No
2-8-09	Steve Coit	ELGIN	Yes	No
2-8-09	Wanda Johnson	ELGIN	Yes	No
2-8-09	Fred Hawey Jr.	ELGIN	Yes	No
2-8-09	ERNESTINE HAWEY	ELGIN	Yes	No
2-8-09	GREGORY HAWEY	ELGIN	Yes	No
2-8-09	KEVIN BROWN	ELGIN	Yes	No

31 signatures 2-1-2-8-09 Dca





**Title VI Disparate Impact Petition Residents Of Elgin Manor Area Region**

Date	Name, Address	Will Your Family Be Negatively Impacted/Yes or No
2-8-09	Cecilia Field 2022 Bayard Road Marquette TX 77075	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	WANDA ALEXANDER	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Nell J. Keen	Yes <input type="checkbox"/> No <input type="checkbox"/>
2-8-09	KEVIN LEE 802 EAST A Road WAXTSP	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	TWANA PAUL	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Ruby Sin	Yes <input type="checkbox"/> No <input type="checkbox"/>
2-8-09	Robert Sin	Yes <input type="checkbox"/> No <input type="checkbox"/>
2-8-09	Yolanda Gibson	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Tony L. Gibson	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Taylor Gibson	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Tony L. Gibson Jr.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Shirley Bradley	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Virginia Pruitt	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Brandon Bradley	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Ismael Casar-Houston	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Catalina Casar-Houston	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Allen Boney	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Patrick Owens	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Maurice Boney	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Anthony Pruitt Houston	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Alonso Hall VOELKER LN	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Billy Swisher	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Robert Swisher 18002 Little Rd	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Robert Swisher 12362 BRUCE STENSON	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Raul Vallejo 16214 Voelker Ln	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Raul Savien Vallejo 16214 Voelker Ln	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Diana Vallejo 16214 Voelker Ln Elgin	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	M. Vallejo 16214 Voelker Ln Elgin	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Margarita Vallejo 16214 Voelker Ln	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	SHARIS MORAN 51 MANOR	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Calvin Hines P.O. Box 359	Yes <input type="checkbox"/> No <input type="checkbox"/>
2-8-09	BERNARD BROWN MANOR	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Nichole BURSE MANOR	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Theodore Lowe MANOR	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Katherine Bush MANOR	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	RANDY STEVE MANOR	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

36 signatures 2-8-09 BWA

**Title VI Disparate Impact Petition Residents Of Elgin Manor Area Region**

Date	Name	Address	Will Your Family Be Negatively Impacted/Yes or No
2-8-09	Mrs LOIS DAVID	1117 Estates (Bastrop Tx) ✓ Texas City 77255	Yes ✓ No
2-8-09	Ms. Gloria Dove Owens	11401 Morgan's Hunt	Yes ✓ No
2-8-09	Mrs Samuel DAVIS	Manoir	Yes - No
2-8-09	Edna Dow	Elgin	Yes - No
2-8-09	Arnold Dow	Elgin	Yes - No
2-8-09	James Devon	Elgin	Yes - No
2-8-09	Eloise Devon	Elgin	Yes - No
2-8-09	Shirley James	Elgin	Yes ✓ No
2-8-09	Louis Harrison Jr.	600 Stevens Dr. Pflugerville	Yes ✓ No
2-8-09	Robert McNeil		Yes ✓ No
2-8-09	James R. Hillon		Yes ✓ No
2-8-09	Gene Brk		Yes ✓ No
2-8-09	Willie M. Simmons Jr	114 Carver St Elgin	Yes ✓ No
2-8-09	Kenneth Lennox	1125 Stack DR	Yes ✓ No
2-8-09	Ester Vincent	509-A CRYSTAL AVE	Yes ✓ No
2-8-09	Birade Flores	Elgin	Yes ✓ No
2-8-09	Cherwin Robinson	115 Carver St	Yes ✓ No
2-8-09	Sherronda Taylor	115 Carver St	Yes ✓ No
2-8-09	Jamnia Walker	397 Loydr	Yes ✓ No
2-8-09	Clay Jomon		Yes ✓ No
2-8-09	Tatiana Bulef Jones		Yes ✓ No
2-8-09	Andre Simmons		Yes ✓ No
2-8-09	Tammie Simmons	Elgin TX	Yes - No
2-8-09	Myrtle Simmons	719 MADISON ST	Yes - No
2-8-09	Ashley Verse		Yes - No
2-8-09	Nicissia Simmons		Yes - No
2-8-09	Ni Shan Simmons		Yes - No
2-8-09	Sheenika Simmons		Yes - No
2-8-09	MARGIE Simmons		Yes - No
2-8-09	Hecker Williams	Elgin TX	Yes ✓ No
2-8-09	(undr) Jennifer	Elgin, TX	Yes ✓ No
2-8-09	Robert Menzies	Elgin, TX	Yes ✓ No
2-8-09	BERNARDO ESPINOZA	Elgin, TX	Yes - No
2-8-09	DAVIER Arriaga	Elgin	Yes - No
2-8-09	Herberto catalan		Yes - No
2-8-09	Dorby Howell	712 Mill View	Yes ✓ No

36 signatures 2-8-09 DWS

**Title VI Disparate Impact Petition Residents Of Elgin Manor Area Region**

**Date, Name, Address, Will Your Family Be Negatively Impacted/Yes or No**

2/1/09	Naomi Craig	807 N Ave E Elgin TX	Yes	<input checked="" type="checkbox"/>	No
2/1/09	Tammie Odstril	8111 HLM A DR Austin TX	Yes	<input checked="" type="checkbox"/>	No
2/1/09	Shondra Williams	3900 Parkway (Austin)	Yes	<input checked="" type="checkbox"/>	No
2/1/09	Sandra Daniel	1902 Tillatson Austin TX	Yes	<input checked="" type="checkbox"/>	No
2-1-09	Sammie Hutchinson		Yes	<input checked="" type="checkbox"/>	No
2/1/09	Alman McJee	PO Box 753 Elgin TX 78621	Yes	<input checked="" type="checkbox"/>	No
2/1/09	Albert Bunt	13003 SINTON Lw Austin TX	Yes	<input checked="" type="checkbox"/>	No
2/1/09	Jeremy Brown		Yes	<input checked="" type="checkbox"/>	No
2/1/09	Ingenia Shackles	Elgin, TX 78621	Yes	<input checked="" type="checkbox"/>	No
2/1/09	Patricia Shackles	Elgin, TX 78621	Yes	<input checked="" type="checkbox"/>	No
2-5-09	Bobby Young	Elgin TX 78621	Yes	<input checked="" type="checkbox"/>	No
2-5-09	Armissell Crittendon	238 HWY Elgin TX 78621	Yes	<input checked="" type="checkbox"/>	No
2-5-09	Maranda Jones	515 McQuade RD 78621	Yes	<input checked="" type="checkbox"/>	No
2-5-09	Clay Baby	1575 Old McQuade RD	Yes	<input checked="" type="checkbox"/>	No
2-5-09	Shirley Glenn	13817 County LN Rd Elgin	Yes	<input checked="" type="checkbox"/>	No
2-8-04	Tom Snow	2263 Fr 969 Elgin TX 78621	Yes	<input checked="" type="checkbox"/>	No
2-8-04	Edwin Ramirez	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-9-04	Kevin Genis	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Maria Perez	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-9	Emiliana Chavez	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-9	RAY BESA	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2/8/09	SALIM PRASLA	MANOR TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Charnet Mhl	16309 Hank Pt Cr	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Maureen Sosa	13350 Constellation Dr Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-9	Christine McFarlin	12609 Dessau Rd Lot 570 Austin	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Tony Barker	11001 Tolson Rd Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	William T. Voss	18109 Topanga Ln	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Rameo Joy	4231 Sigrid Dr Elgin TX	Yes	<input checked="" type="checkbox"/>	No
2-8-9	Shelwood Momin	10400 PARK 290 Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-9	Robert Long	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Tim Williams	PO Box 340 Manor, TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Michael Cox	P.O. Box 1072 MANOR TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Sarah Wilson	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	John Palmer	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Alexander Muth	Manor TX	Yes	<input checked="" type="checkbox"/>	No
2-8-09	Kate Krater	Manor TX	Yes	<input checked="" type="checkbox"/>	No

36 signatures 2-1-28-04 DWA



**Title VI Disparate Impact Petition Residents Of Elgin Manor Area Region**

Date	Name, Address	Will Your Family Be Negatively Impacted/Yes or No
2-8-09	Wally Farmer	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Clayton Vincent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Ruby Williams	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Gloria Farmer Patterson	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Anastacia Bell	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Jocelyn Wilson	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	James [unclear]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Bobbie Stevens	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Sandra Campbell	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Russell Campbell	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Dan Campbell	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Terrence [unclear]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Worth [unclear]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Willie Martin	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Milton Baker Jr	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Jeddie M. Baker	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Jeff Baker	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Richard Campbell	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Queenie Bradshaw	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Rev. Lindsey R. Wilson Sr	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Lindsey R. Wilson Jr	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Predda Dains	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	April Dains	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Michael Dains	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Robert Parks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Diane Parks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Norman Moore	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Katrina [unclear]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Angela Batten	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Chandalyn Baker	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Julia Parks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2-8-09	Flecy Mc Namra	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Yes <input type="checkbox"/> No <input type="checkbox"/>

32 signatures gathered 2-8-09 @ Little Church Plk