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### **460.01 Introduction**

This chapter provides direction necessary for project teams to meet federal and state environmental justice (EJ) requirements during the environmental review process for transportation improvement projects.

In 2021, this manual separated the EJ requirements and analysis from Social and community effects to clarify the role of each analysis. An EJ analysis can include the information from a Social and community effects analysis but should also rely on other analyses to make an effects determination for a project.

New state EJ requirements took effect July 1, 2023 for transportation projects over \$15 million, in addition to other activities. Procedures are in development to comply with the state EJ requirements set forth in the Healthy Environment for All (HEAL) Act, codified in [Chapter 70A.02 RCW](#).

In 2024, this manual separated the EJ requirements and analyses from Title VI requirements to clarify the role of each analysis. There may be some overlap between EJ and Title VI analyses; however, engaging in EJ analysis under federal transportation planning and National Environmental Policy Act (NEPA) provisions does not completely satisfy Title VI requirements. Similarly, a Title VI analysis does not completely satisfy EJ requirements. For example, Title VI does not include low-income populations ([FHWA Order 5610.2\(a\)](#)) whereas this is defined as a priority population for EJ considerations. However, EJ analysis can include information from a Title VI analysis but should also rely on other analyses to make an EJ effects determination for a project. Refer to [Chapter 465](#) – Title VI for more information regarding a Title VI analysis.

New federal requirements took effect including updates to the regulations ([40 CFR 1500-1508](#)) implementing the procedural provisions of NEPA (2024) and recent Presidential Executive Orders (EOs) (2023). The federal lead agencies are working on updating their guidance and tools. Future WSDOT updates will reflect these changes after they become available.

Prior to the 2024 update, climate change was only required within cumulative effects analyses. However, climate change considerations extend beyond cumulative effects and should be discussed in discipline reports for each environmental discipline considered. The revised NEPA regulations require federal agencies to incorporate climate change considerations at multiple points throughout the environmental review process. These include the affected environment, impact assessment, transportation resilience, cumulative effects analyses and mitigation strategies sections of the documentation.

For incorporation of climate change into the [EJ Discipline Report](#), see the EJ Discipline Report Checklist. Specific requirements for considerations of climate change are discussed in [Chapter 415](#). Contact the Environmental Service Office's Climate Mitigation and Adaptation Branch Manager for climate change support.

### Federal Environmental Justice Requirements

The fundamental principles of EJ are to:

- Avoid, minimize, and mitigate disproportionate and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Ensure full and fair participation by all potentially affected communities in the transportation decision making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income population.

Updated regulations ([40 CFR 1500-1508](#)) implementing the procedural provisions of NEPA (2024), Presidential EO 12898, and subsequent orders direct federal agencies to address EJ in the NEPA process. The agencies must seek to avoid and mitigate, as appropriate, disproportionate and adverse effects to low income and minorities, including Indian Tribes.

### State Environmental Justice Requirements

Under the HEAL Act, WSDOT is responsible for assessing EJ impacts to overburdened communities and vulnerable populations for a wider range of agency actions and activities, including development and adoption of significant legislative rules; development and adoption of new grant or loan programs; transportation grants, loans, and projects \$15 million or more; certain actions funded through the Climate Commitment Act (CCA); submission of agency request legislation; and additional actions WSDOT will be identified by July 1, 2025.

## 460.02 Applicable statutes, regulations, executive orders, and agreements

The federal and state policies that guide the evaluation of EJ for transportation projects, include:

### 460.02(1) *Federal*

- National Environmental Policy Act of 1969 (NEPA), [42 United States Code \(U.S.C.\) 4321](#).
- CEQ implementing regulations, [40 Code of Federal Regulations \(CFR\) 1500-1508](#).
- [Title II of the Americans with Disabilities Act](#) (ADA) of 1990.
- Presidential Executive Orders (EO) related to EJ:
  - [EO 12898](#) issued February 11, 1994 - Federal Actions To Address EJ in Minority Populations and Low-Income Populations.
  - [EO 13985](#) issued January 20, 2021 - Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.
  - [EO 14008](#) issued January 27, 2021 - Tackling the Climate Crisis at Home and Abroad (also referred to as Justice40).
  - [EO 14096](#) issued dated April 21, 2023 - Revitalizing Our Nation's Commitment to EJ for All.

- Limited English Proficiency Presidential [EO 13166](#).
- Consultation and Coordination with Indian Tribal Governments [EO 13175](#).
- Department of Transportation (DOT) [Order 5610.2\(a\)](#), Final DOT EJ Order, issued May 2, 2012.
- Federal Highway Administration (FHWA) [Order 6640.23\(a\)](#), Actions to Address EJ in Minority Populations and Low-Income Populations, issued June 14, 2012.

#### **460.02(2) State**

- [Chapter 70A.02 RCW](#) EJ, also referred to as the Healthy Environment for All (HEAL) Act.
- [P 1018 Environmental Policy Statement](#)
- [Chapter 70A.65 RCW](#) Climate Commitment Act (CCA) – EJ Review and EJ Assessment.

### **460.03 Considerations during project development**

#### **460.03(1) Planning**

##### **Federal Requirements**

Project teams should check to see if a planning study has been done in their project area, and if so, refer to any EJ information documented in that study.

Planning teams should contact the Multimodal Planning and Data Division for direction on how to address EJ in a planning study. If you are conducting a Planning and Environmental Linkages (PEL) study, consult with the [NEPA/SEPA program](#) in the Environmental Services Office. Refer to [Chapter 200](#) for more information on requirements for EJ in PEL studies.

##### **State Requirements**

In implementing the HEAL Act, it is important to understand that community engagement does not start when a project breaks ground. Engagement must begin at the earliest planning stage. WSDOT is developing procedures to comply with the state EJ requirements set forth in [Chapter 70A.02 RCW](#).

#### **460.03(2) Scoping**

##### **Federal Requirements**

Project teams should follow the procedures outlined on the [Environmental justice and Title VI](#) webpage for compliance with the federal law and policies. Demographic and Limited English Proficiency (LEP) information should also inform the project's communication strategies to reach those who may need interpretation and translation services. EJ and LEP information, including expected impacts and analysis for NEPA, should be documented in the Environmental Review Summary (ERS)/Environmental Classification Summary (ECS) system. Refer to [Chapter 465](#) for LEP information and resources.

##### **State Requirements**

Project teams should follow the procedures outlined on the [Environmental justice and Title VI](#) webpage for compliance with state law and policies. All projects are encouraged to have meaningful and inclusive project-specific community engagement with community members potentially affected to provide access to agency decision-making processes. Use the [Community Engagement Needs Assessment](#) located within the WSDOT Highway Scoping

Instructions to help determine the resources that will be needed and set the direction for community engagement.

If your action is subject to the HEAL Act, determine if there are any [overburdened communities](#) and vulnerable populations ([RCW 70A.02.010](#)) in the potential impact area; including using the [WA Environmental Health Disparities \(EHD\) Map](#). Demographic and LEP information should also inform the project's communication strategies to reach those who may need interpretation, translation services, or culturally-relevant engagement methods. Refer to [Chapter 465](#) for LEP information and resources.

### **460.03(3) Design**

#### **Federal and State Requirements**

Follow the analysis and documentation direction in [Section 460.04](#) below. Conduct community engagement when appropriate for the project following the agency's Community Engagement Plan and the *Design Manual* [Section 210.04](#) Public Involvement. Revisit the analysis if the project elements change that could impact the community, including detour routes.

The design team shall also consider the effects climate change to ensure the project is resilient to changes that may occur over the design life of the project. For more information on considerations of climate change, see [Chapter 415](#).

### **460.03(4) Construction**

#### **Federal and State Requirements**

Track and implement commitments made to the community to ensure they are carried out. We are developing HEAL Act guidance for commitment tracking; this manual will be updated with this new information.

### **460.03(5) Maintenance and Operations**

#### **Federal and State Requirements**

Track commitments made to the community to ensure they are carried out. We are developing HEAL Act guidance for commitment tracking; this manual will be updated with this new information.

## **460.04 Analysis and documentation requirements**

This section describes analysis and documentation requirements based on regulatory requirements. Determine level of detail based on complexity/size of project, expected severity of impacts, and potential for public controversy.

### **460.04(1) Analysis and documentation for NEPA**

Our agency policy is to consider EJ in project development and delivery. However, the level of analysis depends on the action and its potential impacts. Project teams must use demographic data and community outreach to inform their NEPA EJ analysis. Federal agencies have new requirements stemming from [EO 14008](#) (commonly referred to as Justice40) that have resulted in some changes to [EPA's EJScreen tool](#) and the introduction of a new geospatial [Climate and Economic Justice Screen Tool \(CEJST\)](#). New requirements

are expected because of new [40 CFR CEQ NEPA regulations](#), which broadened the federal definition of EJ. It is very important that project teams refer to the Environmental justice & Title VI webpage for most up-to-date guidance.

EJ Presidential EO 12898 requires consideration of the potential human health risks associated with the consumption of pollutant bearing fish or wildlife. Use the tribal consultation area maps available on the WSDOT Environmental GIS Workbench to evaluate a project's potential effect on natural resources within a tribe's consultation area.

Some Categorical Exclusion (CE) projects require a review for impacts to EJ communities, but do not require a detailed study because they:

- Do not have any significant environmental impacts.
- Do not change access control or affect traffic patterns.
- Do not require more than minor right of way acquisition that does not displace residential properties or businesses.
- Do not require temporary road closures or detours during construction.
- Do not involve extraordinary circumstances.

See [Chapter 400](#) to learn more about CEs and determining impact significance.

Determine the level of documentation for CE projects by using the following steps:

1. For a project that is exempt from detailed analysis. Check our list of 'Projects Exempt from Detailed EJ Analysis' on the [Environmental justice & Title VI](#) webpage and document the exemption status in the Environmental Classification Summary (ECS). Attach demographic data and note any LEP populations.
2. If the project is not exempt and no EJ populations are present in the project area, document this information in the ECS. Attach the EJ Decision Matrix and demographic data showing the absence of an EJ population and note any LEP populations. This information may be documented in an EJ memo or letter to the project file.
3. If an EJ population is present within the project area, but is not impacted by the project, document this information in the ECS. Attach the EJ Decision Matrix, demographic data and note any LEP populations, and include a written description of how the project will not affect the EJ population. This information may be documented in an EJ memo or letter to the project file.
4. If an EJ population is present and will be impacted, document this information in the ECS. Attach the EJ Decision Matrix, demographic data and note any LEP populations. Also include a written description to define project effects, identify the nature and extent of the impacts on the EJ population, and determine if the impacts are disproportionate and adverse. This information is documented in an EJ memo. Additional requirements and instructions to determine project effects on EJ populations can be found on our [Environmental justice & Title VI](#) webpage. Refer to [Section 460.05](#) for information on external engagement to help inform your determination.

Refer to Chapters [300](#) and [400](#) for more information on CEs.

For projects documenting NEPA with an EA or EIS, evaluate the project's impacts on disadvantaged communities. Examine other discipline reports or sections of EAs/EISs to understand the project's direct and indirect effects. The EJ analysis at the EA or EIS level should include an examination of the effects for each alternative, including the no-build. The environmental document must include a comparison of the distribution of a project's burdens

and benefits by the social groups identified in the demographic analysis. The effects on these groups should be described to the extent these effects can be reasonably predicted. There is no need to be exhaustive with this comparison. Discuss impacts to the groups in proportion to the severity of the related impacts. Refer to Chapters 300 and 400 for more information on EAs and EISs.

The project team must document what engagement activities took place, how they were made accessible to EJ populations and how the project outcomes were influenced by the people potentially being impacted. Refer to Chapter 465 for information on making documents accessible for LEP populations.

EAs and EISs should include a Title VI analysis. See Chapter 465 for guidance on how to conduct a Title VI analysis.

The EJ analysis compares the adverse impacts (burdens) to the EJ population to the adverse impact to the non-EJ population within the study area. The discussion should address:

- Whether minority or low-income populations bear a “disproportionate and adverse impact”.
- Possible mitigation measures to avoid or minimize any adverse impacts.
- Special relocation considerations for affected groups and the measures proposed to resolve these relocation concerns.
- Public response to the project and proposed mitigation. Include a discussion of how the project design was changed to address public concerns.

Note that federal agency requirements are rapidly evolving. Coordinate with the Environmental Services Office EJ and Public Health Senior Policy Specialist on each project's EJ compliance approach.

A “disproportionate and adverse” determination may be made if the:

- Severity of the adverse impact is appreciably greater for protected populations than for non-protected populations.
- Adverse environmental impacts occur more in areas with protected populations (regardless of severity) than in areas without protected populations.
- Proposed mitigation is needed to reduce either the level of severity or number of adverse effects for protected populations.
- Project benefits do not affect protected populations to the same degree as other populations.
- Project is controversial and public comment shows that protected populations: do not feel that the project benefits them or that the proposed mitigation is inadequate.

A determination of “disproportionate and adverse impacts” does not preclude the project proceeding. However, it will require additional community engagement to ensure that:

- Alternatives have been discussed and are clearly understood.
- Mitigation strategies have been explained and are understood.
- The effectiveness of mitigations will be monitored, if needed.
- The community has an opportunity for meaningful participation in the process to select the alternative and mitigation measures and their preferences are taken into consideration.

When a project has a federal nexus with FTA refer to the [FTA FAQ](#) for information on EJ analysis and requirements.

For more information on considerations of climate change and climate impacts vulnerability assessment, see [Chapter 415](#) and WSDOT's Guidance for NEPA and SEPA Project-Level Climate Change Evaluations.

#### **460.04(2) Analysis and documentation for SEPA (No federal nexus)**

Our agency policy is to consider EJ in project development and delivery. The State Environmental Policy Act (SEPA) does not include requirements for conducting a federal EJ analysis. However, projects that are not excluded (exempt) from SEPA use the environmental checklist to determine environmental health and other impacts on communities. For example, communities may be impacted by toxic chemicals, noise, air and water quality, housing changes, light and glare, and other factors. SEPA can also help determine whether a proposal's impacts are likely to be significant. A NEPA EJ analysis that is directly related to the project proposal can be listed as relevant environmental information in the environmental checklist. Also, a HEAL Act EJ assessment that is directly related to the project proposal can be listed as relevant environmental information in the environmental checklist as well. See the Washington State Department of Ecology's [SEPA Checklist guidance webpage](#) and [Chapter 400](#) for more information.

#### **460.04(3) Analysis and documentation for HEAL Act**

Washington State's EJ requirements are codified as the HEAL Act. This applies to certain actions regardless of whether the action has a federal nexus – a transportation a project may have both federal and state requirements. WSDOT is implementing new state EJ policy requirements contained in [Chapter 70A.02 RCW](#). Many of the requirements took effect on July 1, 2023.

Our agency will conduct EJ Assessments (EJAs) on the following actions initiated after July 1, 2023, in accordance with [RCW 70A.02.060](#):

1. Individual state transportation projects of at least \$15 million.
2. Individual grants or loans of at least \$15 million.
3. New grant or loan programs.
4. Agency request legislation or agency rules.
5. Certain actions funded through the CCA.
6. Additional WSDOT actions to be identified by July 1, 2025.

The WSDOT Step by Step guidance and associated template must be followed when preparing an EJA. The EJA is an iterative process and consist of four phases. The phases are intended to be completed in order, with information learned in each phase informing the following phase. Methods and tasks used during the assessment are to be used in an iterative fashion, building off one another until the assessment is complete. Following this guidance will ensure compliance with the HEAL Act. This guidance may be posted on the [Environmental justice & Title VI](#) webpage.

Before practitioners can initiate an EJA on a proposed significant agency action (SAA), the SAA Team will need to make a recommendation on the proposed significant agency action to the WSDOT HEAL Act Co-Project Managers for approval and final determination. This determination will be communicated to the appropriate leads for the action.

## 460.05 External engagement

Project teams should develop outreach and engagement strategies to reach all of the populations affected by their project. Tailor outreach techniques to reach low income and minority and LEP populations in your study area. Document what you did and how public input affected the project design. Guidance for how to write a public involvement plan is available from the WSDOT Communications Office and is available to WSDOT employees. Refer to our [Community Engagement Plan](#) for engagement best practices. Also, consult with [Promising Practices for Meaningful Public Involvement in Transportation Decision-Making](#).

Refer to [Chapter 465](#) for guidance on how to conduct outreach with LEP populations.

WSDOT policy requires staff to follow the [Model Comprehensive Tribal Consultation Process](#) when working with tribal governments. Contact the [WSDOT Tribal Liaison Office](#) for assistance. Refer to Chapters [400](#), [456](#) and [530](#) for more direction on engaging with tribal communities.

## 460.06 Internal roles and responsibilities

### 460.06(1) *Project Engineer*

Scopes the appropriate level of community engagement by working with the Region Title VI Liaison and their Communications office to ensure potential impacts are identified early in project development. Government to government consultation with the affected tribes as well as EJ requirements must be incorporated into the project's delivery process. HEAL Act agency roles and responsibilities will need to be determined in order to comply with the state EJ requirements set forth in [Chapter 70A.02 RCW](#).

### 460.06(2) *Environmental Coordinator / Consultant*

Meets with technical leads for the related disciplines listed above and uses information gathered during community engagement to conduct the EJ analysis, as needed. HEAL Act agency roles and responsibilities will need to be determined in order to comply with the state EJ requirements set forth in [Chapter 70A.02 RCW](#).

### 460.06(3) *WSDOT HQ Environmental Services Office*

Reviews all EJ analyses, including methodologies and oversees the related guidance.

The Climate Mitigation and Adaptation Branch can provide technical assistance for incorporating considerations of climate change throughout the NEPA environmental review process.

Regarding the HEAL Act, agency roles and responsibilities will need to be determined in order to comply with the state EJ requirements set forth in [Chapter 70A.02 RCW](#).

### 460.06(4) *Office of Equity and Civil Rights*

As part of its responsibility for enforcing Title VI of the Civil Rights Act of 1964, the Office of Equity and Civil Rights (OECR) is responsible for providing policy, procedures, and technical assistance related to Title VI. Region Title VI Liaisons serve as a resource to project teams who can help make connections with the OECR.



## 460.06(5) Communicator

Help scope and support community engagement activities related to a project and help provide language services, interpretation or translation, based on the languages determined in the LEP analysis. HEAL Act agency roles and responsibilities will need to be determined in order to comply with the state EJ requirements set forth in [Chapter 70A.02 RCW](#).

## 460.07 Applicable permits and approval process

### NEPA/SEPA

There are no permits or signatory approvals associated with compliance with federal Environmental Justice requirements. However, impacts such as relocations of residential or non-residential properties affecting EJ communities require FHWA review. These impacts may lead to EA or EIS documentation, even if a project would otherwise only require a CE. Contact the [NEPA/SEPA Program](#) for more information on relocations in relation to NEPA class of action. In addition, federal and state permits and approvals require satisfactory documentation of tribal coordination and compliance with cultural resources laws and federal EJ EO.

### HEAL Act

The HEAL Act specifies types of significant agency actions that trigger an EJA. These actions include individual transportation projects, grants, or loans of at least \$15 million that start on or after July 1, 2023; new agency request legislation and rulemaking; certain actions funded through the CCA; the development of new grant or loan programs; and additional actions identified by July 1, 2025.

Before practitioners can initiate an EJA on a proposed significant agency action (SAA), the SAA Team will need to make a recommendation on the proposed significant agency action to the WSDOT HEAL Act Co-Project Managers for approval and final determination. This determination will be communicated to the appropriate leads for the action.

## 460.08 Mitigation

### NEPA/SEPA

NEPA, SEPA, the federal EJ EOs, and the WSDOT [Environmental Policy Statement](#) contain clear policy direction regarding the mitigation of project impacts – this includes mitigating impacts to the human environment (community mitigation) in addition to the natural environment.

If you determine that the project's effects are disproportionate and adverse, disclose your finding in the environmental document. A finding of "disproportionate and adverse" will not stop a project if it can be shown that the project serves a significant regional need.

But such a determination requires additional analysis to demonstrate that further avoidance, minimization, mitigation, and enhancement measures are not practicable. Alternatives may be considered "not practicable" if they:

- Would not satisfy the project's purpose and need.
- Have more severe adverse effects on other areas of the environment (Wetlands, Section 4(f), and other disciplines).
- Have greater social, economic, environmental, or human health effects.

Support your determination with evidence and reference technical analysis. Include the results of public outreach efforts to EJ/low-income populations in the environmental document. Do this by considering the mitigation measures, including those suggested by the impacted community to address their specific needs. The proposed mitigation must match the type of impact the project has on the individuals to be considered appropriate. For example, an impact to community cohesion may not be mitigated by reducing noise levels.

WSDOT uses community input when considering appropriate mitigation measures to address the transportation impacts as required by federal and state laws. The project team then pursues and negotiates reasonable project related mitigation in good faith with the community.

### **HEAL Act**

Significant agency actions subject to the EJA requirements of the HEAL Act must describe options for the agency to reduce, mitigate, or eliminate identified probable impacts on overburdened communities and vulnerable populations, or provide a justification for not reducing, mitigation, or eliminating identified probable impacts ([RCW 70A.02.060\(6\)](#)).

The project team must solicit feedback from members of the overburdened communities and vulnerable populations to assist in the accurate assessment of the potential impact of the action and in developing the means to reduce or eliminate the impact on overburdened communities and vulnerable populations.

## **460.09 Abbreviations and acronyms**

Abbreviations and acronyms used in this chapter are listed below.

ADA	Americans with Disabilities Act
CETA	Clean Energy Transformation Act
CCA	Climate Commitment Act
CEP	Community Engagement Plan
CFR	Code of Federal Regulations
DOJ	Department of Justice
EA	Environmental Assessment
EIS	Environmental Impact Statement
EJ	Environmental Justice
FHWA	Federal Highway Administration
HEAL	Healthy Environment for All Act
LEP	Limited English Proficiency
RCW	Revised Code of Washington
SAA	Significant Agency Action

## 460.10 Glossary

These definitions apply in the context of EJ analysis. Some terms may have other meanings in a different context.

**Adverse Effects (EJ (FHWA Order 6640.23A))** – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness, or death caused by air, noise, water pollution, vibration, and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community's economic vitality; access to public and private facilities and services.
- Adverse employment effects.
- Displacement of persons, businesses, farms, or nonprofit organizations.
- Increased traffic congestion.
- Isolation, exclusion or separation of minority or low-income individuals from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.

Adverse effects are determined by both the individuals affected and the judgment of the analyst.

**Communities with EJ Concerns (NEPA, 40 CFR 1508.1)** – Those communities that may not experience EJ as defined in the federal definition of EJ (Presidential EO 14096), see below. To assist in identifying communities with EJ concerns, agencies may use available screening tools, such as the Climate and Economic Justice Screening Tool and the EJScreen Tool, as appropriate to their activities and programs. Agencies also may develop procedures for the identification of such communities in their agency NEPA procedures.

**Disproportionately High and Adverse Effect (FHWA Order 6640.23A)** – An adverse effect that: (a) is predominantly borne by a minority population and/or a low-income population; or (b) is 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 non-minority population and/or non-low income population.

See the federal Environmental Justice definition below for discussion of “disproportionate and adverse effects” as described in NEPA, 40 CFR 1508.1.

**Effects or Impacts (NEPA, 40 CFR 1508.1)** - Changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include the following:

- (i) Direct effects, which are caused by the action and occur at the same time and place;
- (ii) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth- inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems;

(iii) Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from actions with individually minor but collectively significant actions effects taking place over a period of time; and

(iv) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Such as disproportionate and adverse effects on communities with EJ concerns, whether direct, indirect, or cumulative. Effects also include effects on Tribal resources and climate change-related effects, including the contribution of a proposed action and its alternatives to climate change, and the reasonably foreseeable effects of climate change on the proposed action and its alternatives. Effects may also include those resulting from actions which may have both beneficial and detrimental adverse effects, even if on balance the agency believes that the effects will be beneficial.

**Environmental impacts (State Definition (HEAL Act ([Chapter 70A.02 RCW](#)))** – Environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action.

**Environmental Justice (Federal Definition (Presidential EO 14096 and NEPA, [40 CFR 1508.1](#)))** – The just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities that affect human health and the environment so that people:

(i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and

(ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

**Environmental Justice (State Definition (HEAL Act ([Chapter 70A.02 RCW](#)))** – The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. EJ includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.

**Extraordinary Circumstances (NEPA, [40 CFR 1508.1](#))** – Factors or circumstances that indicate a normally categorically excluded action may have a significant effect. Examples of extraordinary circumstances include potential substantial effects on sensitive environmental resources, potential substantial disproportionate and adverse effects on communities with EJ concerns, potential substantial effects associated with climate change, and potential substantial effects on historic properties or cultural resources.

**Limited English Proficient ([DOJ LEP.gov](#))** – Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

**Low Income (FHWA Order 6640.23A)** – A household income that is at or below the federally designated poverty level for a household of four as defined the U.S. Health and Human Services.

**Low-Income Population (FHWA Order 6640.23A)** – Any readily identifiable group of low-income persons who live in a geographic area, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed DOT program, policy, or activity.

**Minority (FHWA Order 6640.23A)** – A person who is:

- Black (a person having origins in any of the black racial groups of Africa).
- Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or the Spanish culture or origin, regardless of race).
- Asian/Pacific Islander (a person having origins in the Far East, Southeast Asia, or the Indian subcontinent).
- Pacific Islander (a person having origins in any of the Pacific Islands).
- American Indian or Alaskan Native (any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition).

**Minority Population (FHWA Order 6640.23A)** – Any readily identifiable group of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

**Overburdened community** – A geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in the Clean Energy Transformation Act (CETA) ([RCW 19.405.020](#)). This definition was adopted by the HEAL Act by reference.

**Vulnerable populations (HEAL Act ([Chapter 70A.02 RCW](#)))** – Population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms and sensitivity factors, such as low birth weight and higher rates of hospitalization. “Vulnerable populations” includes, but is not limited to:

- Racial or ethnic minorities
- Low-income populations
- Populations disproportionately impacted by environmental harms
- Populations of workers experiencing environmental harms

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