



This document is a draft and has not been reviewed by the Washington State Environmental Justice Council.

ENVIRONMENTAL JUSTICE IMPLEMENTATION PLAN

DRAFT 2023 UPDATE



Note: This draft plan will be revised and updated as appropriate to meet ongoing needs to strengthen partnerships and develop ongoing relationships. WSDOT is dedicated to reviewing and improving our processes, and this plan will be updated as feedback is received.

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April 26, 2023

The Washington State Department of Transportation’s mission is to provide safe, reliable and cost-effective transportation options to improve communities and economic vitality for people and businesses.

As part of that mission, WSDOT is responsible for understanding and addressing the disparate impacts that past investments and the current operation and maintenance of transportation infrastructure continue to have on overburdened communities. Implementing the state’s Healthy Environment for All Act offers an opportunity for transformational change in how WSDOT develops and delivers programs, projects and services across the state. We are excited to share a plan demonstrating our commitment to ensuring an Environmental Justice lens is embedded throughout our policies and practices.

The WSDOT Environmental Justice Implementation Plan is consistent with and guides the implementation of our agency’s strategic plan. This is done by delineating how we will continuously improve our role in ensuring “everyone regardless of race, ethnicity, language, income or other demographic factors—has the right to live, learn, work and play in a clean, safe and healthy environment.” (*Environmental Justice Task Force Final Report, October 2020*)

As a “living plan,” the strategic actions identified in the WSDOT Environmental Justice Implementation Plan will be continuously monitored, assessed in collaboration with the community along with the Environmental Justice Council and refined to ensure alignment with the following Environmental Justice Principles outlined by the Washington State Environmental Justice Task Force:

- 1) Achieve the highest attainable environmental quality and health outcomes for all people.
- 2) Adopt a racial justice lens.
- 3) Engage community meaningfully.
- 4) Be transparent.
- 5) Be accountable.

We embrace this opportunity to collaboratively transform transportation’s role in providing a healthy environment for all.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Millar', written over a light blue horizontal line.

Roger Millar, PE, FASCE, FAICP
Secretary of Transportation

Agency Title VI Notice To Public

ENGLISH

Title VI Notice to Public

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equity and Civil Rights (OECR). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OECR's Title VI Coordinator at (360) 705-7090.

Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the Office of Equity and Civil Rights at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

ESPAÑOL

Notificación de Título VI al Público

La política del Departamento de Transporte del Estado de Washington (Washington State Department of Transportation, WSDOT) es garantizar que ninguna persona, por motivos de raza, color u origen nacional, según lo dispuesto en el Título VI de la Ley de Derechos Civiles de 1964, sea excluida de la participación, se le nieguen los beneficios o se le discrimine de otro modo en cualquiera de sus programas y actividades. Cualquier persona que considere que se ha violado su protección del Título VI puede presentar una queja ante la Oficina de Equidad y Derechos Civiles (Office of Equity and Civil Rights, OECR) del WSDOT. Para obtener más información sobre los procedimientos de queja del Título VI o información sobre nuestras obligaciones contra la discriminación, comuníquese con el coordinador del Título VI de la OECR al (360) 705-7090.

Información de la Ley sobre Estadounidenses con Discapacidades (ADA, por sus siglas en inglés)

Este material puede estar disponible en un formato alternativo al enviar un correo electrónico a la Oficina de Equidad y Derechos Civiles a wsdotada@wsdot.wa.gov o llamando a la línea sin cargo 855-362-4ADA(4232). Personas sordas o con discapacidad auditiva pueden solicitar la misma información llamando al Washington State Relay al 711.

한국어 – KOREAN

제6조 관련 공지사항

워싱턴 주 교통부(WSDOT)는 1964년 민권법 타이틀 VI 규정에 따라, 누구도 인종, 피부색 또는 출신 국가를 근거로 본 부서의 모든 프로그램 및 활동에 대한 참여가 배제되거나 혜택이 거부되거나, 또는 달리 차별받지 않도록 하는 것을 정책으로 하고 있습니다. 타이틀 VI에 따른 그/그녀에 대한 보호 조항이 위반되었다고 생각된다면 누구든지 WSDOT의 평등 및 민권 사무국(OECR)에 민원을 제기할 수 있습니다. 타이틀 VI에 따른 민원 처리 절차에 관한 보다 자세한 정보 및/또는 본 부서의 차별금지 의무에 관한 정보를 원하신다면, (360) 705-7090으로 OECR의 타이틀 VI 담당자에게 연락해주시십시오.

미국 장애인법(ADA) 정보

본 자료는 또한 평등 및 민권 사무국에 이메일 wsdotada@wsdot.wa.gov 을 보내시거나 무료 전화 855-362-4ADA(4232)로 연락하셔서 대체 형식으로 받아보실 수 있습니다. 청각 장애인은 워싱턴주 중계 711로 전화하여 요청하실 수 있습니다.

русский – RUSSIAN

Раздел VI Общественное заявление

Политика Департамента транспорта штата Вашингтон (WSDOT) заключается в том, чтобы исключить любые случаи дискриминации по признаку расы, цвета кожи или национального происхождения, как это предусмотрено Разделом VI Закона о гражданских правах 1964 года, а также случаи недопущения участия, лишения льгот или другие формы дискриминации в рамках любой из своих программ и мероприятий. Любое лицо, которое считает, что его средства защиты в рамках раздела VI были нарушены, может подать жалобу в Ведомство по вопросам равенства и гражданских прав WSDOT (OECR). Для дополнительной информации о процедуре подачи жалобы на несоблюдение требований раздела VI, а также получения информации о наших обязательствах по борьбе с дискриминацией, пожалуйста, свяжитесь с координатором OECR по разделу VI по телефону (360) 705-7090.

Закон США о защите прав граждан с ограниченными возможностями (ADA)

Эту информацию можно получить в альтернативном формате, отправив электронное письмо в Ведомство по вопросам равенства и гражданских прав по адресу wsdotada@wsdot.wa.gov или позвонив по бесплатному телефону 855-362-4ADA(4232). Глухие и слабослышащие лица могут сделать запрос, позвонив в специальную диспетчерскую службу штата Вашингтон по номеру 711.(4232). Глухие и слабослышащие лица могут сделать запрос, позвонив в специальную диспетчерскую службу штата Вашингтон по номеру 711.

tiếng Việt – VIETNAMESE

Thông báo Khoản VI dành cho công chúng

Chính sách của Sở Giao Thông Vận Tải Tiểu Bang Washington (WSDOT) là bảo đảm không để cho ai bị loại khỏi sự tham gia, bị từ khước quyền lợi, hoặc bị kỳ thị trong bất cứ chương trình hay hoạt động nào vì lý do chủng tộc, màu da, hoặc nguồn gốc quốc gia, theo như quy định trong Mục VI của Đạo Luật Dân Quyền năm 1964. Bất cứ ai tin rằng quyền bảo vệ trong Mục VI của họ bị vi phạm, đều có thể nộp đơn khiếu nại cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng (OECR) của WSDOT. Muốn biết thêm chi tiết liên quan đến thủ tục khiếu nại Mục VI và/hoặc chi tiết liên quan đến trách nhiệm không kỳ thị của chúng tôi, xin liên lạc với Phó Trí Viên Mục VI của OECR số (360) 705-7090.

Thông tin về Đạo luật Người Mỹ tàn tật (Americans with Disabilities Act, ADA)

Tài liệu này có thể thực hiện bằng một hình thức khác bằng cách email cho Văn Phòng Bảo Vệ Dân Quyền và Bình Đẳng wsdotada@wsdot.wa.gov hoặc gọi điện thoại miễn phí số, 855-362-4ADA(4232). Người điếc hoặc khiếm thính có thể yêu cầu bằng cách gọi cho Dịch vụ Tiếp âm Tiểu bang Washington theo số 711.

العَرَبِيَّة – ARABIC

العنوان 6 إشعار للجمهور

تتمثل سياسة وزارة النقل في ولاية واشنطن (WSDOT) في ضمان عدم استبعاد أي شخص، على أساس العرق أو اللون أو الأصل القومي من المشاركة في أي من برامجها وأنشطتها أو الحرمان من الفوائد المتاحة بموجبها أو التعرض للتمييز فيها بخلاف ذلك، كما هو منصوص عليه في الباب السادس من قانون الحقوق المدنية لعام 1964. ويمكن لأي شخص يعتقد أنه تم انتهاك حقوقه التي يكفلها الباب السادس تقديم شكوى إلى مكتب المساواة والحقوق المدنية (OECR) التابع لوزارة النقل في ولاية واشنطن. للحصول على معلومات إضافية بشأن إجراءات الشكاوى وأو بشأن التزاماتنا بعدم التمييز بموجب الباب السادس، يرجى الاتصال بمنسق الباب السادس في مكتب المساواة والحقوق المدنية على الرقم (360) 705-7090.

معلومات قانون الأمريكيين ذوي الإعاقة (ADA)

يمكن توفير هذه المواد في تنسيق بديل عن طريق إرسال رسالة بريد إلكتروني إلى مكتب المساواة والحقوق المدنية على wsdotada@wsdot.wa.gov أو عن طريق الاتصال بالرقم المجاني: 855-362-4ADA (4232). يمكن للأشخاص الصم أو ضعاف السمع تقديم طلب عن طريق الاتصال بخدمة Washington State Relay على الرقم 711.

中文 – CHINESE

《权利法案》Title VI公告

<華盛頓州交通部(WSDOT)政策規定，按照《1964年民權法案》第六篇規定，確保無人因種族、膚色或國籍而被排除在WSDOT任何計畫和活動之外，被剝奪相關權益或以其他方式遭到歧視。如任何人認為其第六篇保護權益遭到侵犯，則可向WSDOT的公平和民權辦公室(OECR)提交投訴。如需關於第六篇投訴程式的更多資訊和/或關於我們非歧視義務的資訊，請聯絡OECR的第六篇協調員，電話(360) 705-7090。

《美国残疾人法案》(ADA)信息

可向公平和民權辦公室發送電子郵件wsdotada@wsdot.wa.gov或撥打免費電話 855-362-4ADA(4232)，以其他格式獲取此資料。听力丧失或听觉障碍人士可拨打711联系Washington州转接站。

Af-soomaaliga – SOMALI

Ciwaanka VI Ogeysiiska Dadweynaha

Waa siyaasada Waaxda Gaadiidka Gobolka Washington (WSDOT) in la xaqiijiyo in aan qofna, ayadoo la cuskanaayo sababo la xariira isir, midab, ama wadanku kasoo jeedo, sida ku qoran Title VI (Qodobka VI) ee Sharciga Xaquuqda Madaniga ah ah oo soo baxay 1964, laga saarin ka qaybgalka, loo diidin faa'iidooyinka, ama si kale loogu takoorin barnaamijyadeeda iyo shaqooyinkeeda. Qof kasta oo aaminsan in difaaciisa Title VI la jebiyay, ayaa cabasho u gudbin kara Xafiiska Sinaanta iyo Xaquuqda Madaniga ah (OECR) ee WSDOT. Si aad u hesho xog dheeraad ah oo ku saabsan hanaannada cabashada Title VI iyo/ama xogta la xariirta waajibbaadkeena ka caagan takoorka, fadlan la xariir Iskuduwaha Title VI ee OECR oo aad ka wacayso (360) 705-7090.

Macluumaadka Xeerka Naafada Marykanka (ADA)

Agabkaan ayaad ku heli kartaa qaab kale adoo iimeel u diraa Xafiiska Sinaanta iyo Xaquuqda Madaniga ah oo aad ka helayso wsdotada@wsdot.wa.gov ama adoo wacaaya laynka bilaashka ah, 855-362-4ADA(4232). Dadka naafada maqalka ama maqalku ku adag yahay waxay ku codsan karaan wicitaanka Adeega Gudbinta Gobolka Washington 711.

Language Assistance Services

If you have difficulty understanding English, you may, free of charge, request language assistance services by calling 360-705-7090 or email us at: TitleVI@wsdot.wa.gov

ESPAÑOL – SPANISH

Servicios de traducción

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al 360-705-7090, o envíe un mensaje de correo electrónico a: TitleVI@wsdot.wa.gov

한국어 – KOREAN

번역 서비스

영어로 소통하는 것이 불편하시다면 360-705-7090, 으로 전화하시거나 다음 이메일로 연락하셔서 무료 언어 지원 서비스를 요청하실 수 있습니다: TitleVI@wsdot.wa.gov

русский – RUSSIAN

Услуги перевода

Если вам трудно понимать английский язык, вы можете запросить бесплатные языковые услуги, позвонив по телефону 360-705-7090, или написав нам на электронную почту: TitleVI@wsdot.wa.gov

tiếng Việt – VIETNAMESE

các dịch vụ dịch thuật

Nếu quý vị không hiểu tiếng Anh, quý vị có thể yêu cầu dịch vụ trợ giúp ngôn ngữ, miễn phí, bằng cách gọi số 360-705-7090, hoặc email cho chúng tôi tại: TitleVI@wsdot.wa.gov

العَرَبِيَّةُ – ARABIC

خدمات الترجمة

إذا كنت تجد صعوبة في فهم اللغة الإنجليزية، فيمكنك مجاناً طلب خدمات المساعدة اللغوية عن

طريق الاتصال بالرقم 360-705-7090، أو مراسلتنا عبر البريد الإلكتروني: TitleVI@wsdot.wa.gov

طريق الاتصال بالرقم

中文 – CHINESE

翻译服务

如果您难以理解英文，则请致电：360-705-7090，或给我们发送电子邮件：TitleVI@wsdot.wa.gov，请求获取免费语言援助服务。

Af-soomaaliga – SOMALI

Adeegyada Turjumaada

Haddii ay kugu adag tahay inaad fahamtid Ingiriisida, waxaad, bilaash, ku codsan kartaa adeegyada caawimada luuqada adoo wacaaya

Section I

Definitions

REVISED CODE OF WASHINGTON 70A.02.010

Covered Agency: The departments of ecology, health, natural resources, commerce, agriculture, and transportation, the Puget Sound partnership, and any agency that opts to assume all the obligations of this act pursuant to section 11 of this act.

Cumulative Environmental Health Impact: The combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.

Environmental Benefits: Activities that:

- a. Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts.
- b. Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or
- c. Meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of this chapter.

Environmental Harm: The individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected:

- a. Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land.
- b. Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change.
- c. Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or
- d. Health and economic impacts from climate change. (Senate Bill 5141)

Environmental Impact: Environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action.

Environmental Justice: 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. Environmental Justice 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.

Equitable Distribution: A fair and just, but not necessarily equal, allocation intended to mitigate disparities in benefits and burdens that are based on current conditions, including existing legacy and cumulative impacts, that are informed by cumulative environmental health impact analysis.

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 RCW 19.405.020.

Significant Agency Action: The following actions as identified at the beginning of a covered agency's consideration of the significant agency action or at the time when an Environmental Justice assessment would normally be initiated in conjunction with an agency action:

- a. The development and adoption of significant legislative rules as defined in RCW 34.05.328.
- b. The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out.
- c. A capital project, grant, or loan award by a covered agency 30 of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000.
- d. The submission of agency request legislation to the office of the governor or the office of financial management for approval; and
- e. Any other agency actions deemed significant by a covered agency consistent with section 14 of the HEAL Act.

Tribal Lands: Has the same meaning as "Indian country" as provided in 18 U.S.C. Sec. 1151, and includes sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law.

Vulnerable Populations: Population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to:

- a. 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
- b. Sensitivity factors, such as low birth weight and higher rates of hospitalization.

"Vulnerable populations" includes, but is not limited to:

- a. Racial or ethnic minorities
- b. Low-income populations
- c. Populations disproportionately impacted by environmental harms; and
- d. Populations of workers experiencing environmental harms.

Section II

Introduction & Overview

EXECUTIVE SUMMARY

The Washington State Department of Transportation (WSDOT) has an obligation to prevent and address environmental health disparities and to administer its programs to remedy the effects of past disparate treatment of overburdened communities and vulnerable populations. The WSDOT Environmental Justice Implementation Plan is intended to transparently inform policy makers and the public about how our agency will apply the principles of Environmental Justice (EJ) in transportation activities, including decision-making. This plan will also equip WSDOT's staff with tools to inclusively facilitate the implementation of its obligations under current state and federal regulations. This plan outlines the process by which WSDOT establishes specific goals and actions to:

1. Identify, engage, and address the needs of overburdened communities and vulnerable populations in the development of WSDOT's significant actions.
2. Develop metrics to track and measure progress.
3. Develop methods to embed equitable community engagement; and
4. Develop methods for reducing or eliminating environmental harms, among consequential actions.

The plan provides a list of strategies with responsible parties and milestone dates to support the implementation and practice of strategies that will address historically disproportionate environmental and health impacts resulting from transportation actions by prioritizing vulnerable populations and overburdened communities.

HEALTHY ENVIRONMENT FOR ALL ACT (HEAL ACT)

In 2019, House Bill 1109¹ assigned state funds to the Department of Health to create the Environmental Justice Task Force (EJTF) and recommend strategies for incorporating Environmental Justice principles into how state agencies discharge their responsibilities. The EJTF was responsible for providing recommendations to the Governor and the Legislature on ways to promote health equity and eliminate health disparities, especially within communities that are most severely and frequently impacted by environmental health hazards in the state of Washington. To do that, the Task Force worked with different communities most impacted by environmental injustices in the state of Washington. On August 21, 2020, the EJTF submitted a report to the Washington State Governor and Legislature.²

In the EJTF report, multiple studies identified that people of color and low-income populations continue to be disproportionately exposed to environmental harms in communities across Washington state and nationwide. As a result, people in these communities face higher risks of adverse health outcomes. These risks are amplified for communities with preexisting social and economic barriers, resulting in cumulative environmental health impacts.³ In addition to the above, COVID-19 opened the eyes of Washingtonians to pervasive environmental and health disparities across our state. African Americans, Latinx, Indigenous communities, and other vulnerable populations experienced disproportionate death rates compared to whites resulting from the novel-coronavirus pandemic.⁴ According to the CDC, one of the main reasons that people of color and low-income populations were more susceptible to adverse outcomes from virus infections was because of greater exposure to air pollution and stress.⁵

In the EJTF report, five EJ principles were identified for a shared vision of Environmental Justice in Washington State. Communities across the state came together and provided input which informed the development of the following EJ principles in conjunction with efforts to recognize and reflect on the “Principles of Environmental Justice” adopted in 1991 at the First National People of Color Environmental Leadership Summit. The following are the Environmental Justice Principles adopted by the EJTF:

¹ Section 221, subsection 48 (Washington State’s 2019-2021 operating budget)

² [“Environmental Justice Task Force, Recommendations for Prioritizing EJ in Washington State Government”](#)

³ Senate Bill 5141, [HEAL Act](#)

⁴ COVID-19 morbidity and mortality by race, ethnicity and spoken language in Washington state, Washington State Department of Health, November 29, 2022

⁵ www.cdc.gov/pcd/issues/2020/20_0255.htm

I. Achieve the highest attainable environmental quality and health outcomes for all people.

- Prioritize the health of the land, humans, animals, air, water, and marine ecosystems.
- Create sustainable production, consumption, processing, and distribution systems.
- Recognize the ecological unity and interdependence of all species.
- Guarantee the ethical, balanced, and responsible use of land and resources in the interest of a sustainable Washington.
- Commit to actions that ensure that all children can reach their full health and life potential.

II. Commit to identifying and disrupting racism embedded in your organization, policies, protocols, practices, and decision-making.

- Dismantle all forms of racism, including environmental racism, by partnering meaningfully with communities to eliminate health and environmental disparities for Black, Native, and Indigenous people and people of color.
- Develop a public policy based on mutual respect and justice for all people, free from any form of discrimination or prejudice.
- Recognize a special legal and natural relationship of Native peoples to the US government’s drought treaties, agreements, pacts, and pacts that affirm sovereignty and self-determination.

III. Engage Community Meaningfully

- Prioritize continuous engagement with communities who face environmental injustices and continue to be underinvested and underserved.
- Recognize that people and communities hold identities that have been subject to systemic oppression, including but not limited to gender, ethnicity, and disability status.
- Focus engagement on building long-term, trust-based relationships with cultural humility.
- Adequately fund opportunities for meaningful community engagement by supporting and providing opportunities for civic voice and community capacity building that builds on existing community priorities.

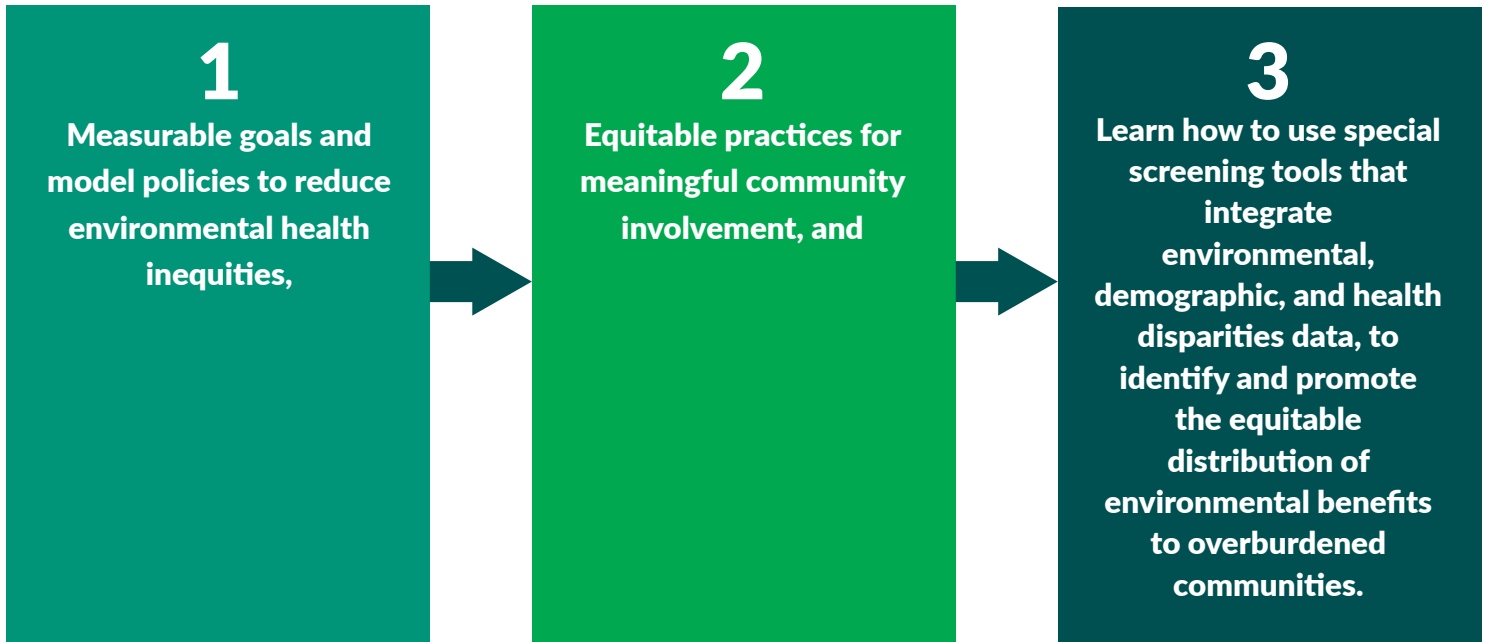
IV. Be Transparent

- Ensure participation and decision-making processes are equitable and accessible.
- Make information easily accessible and relevant to the public and secure communications are culturally and linguistically grounded.
- Engage the community in processes early and often (e.g., planning, financing, policy, evaluation).
- Provide clarity on how the community participation process informs government processes.

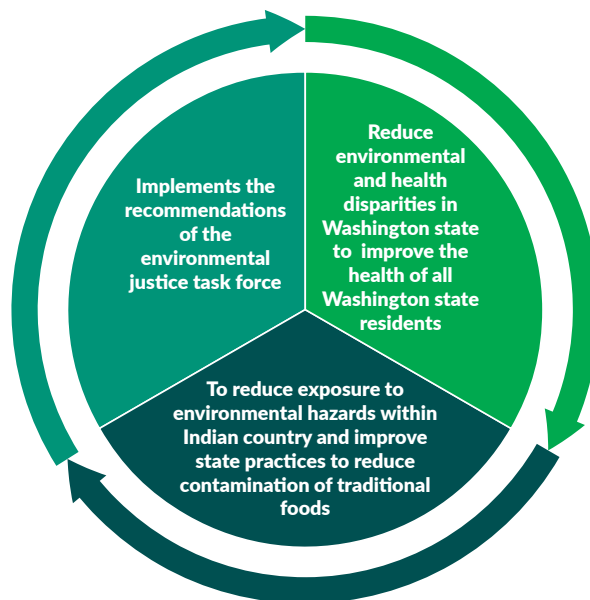
V. Be Accountable

- Embed equity and elimination of environmental and health disparities in mission, planning, goals, and measures of progress.
- Center the community in identifying the problems, solutions, and success.
- “Close the Loop” with communities by sharing how their involvement shaped and informed decisions and by gathering feedback on how the government can continue to improve service delivery and engagement.

The EJTF report provided several recommendations to the legislature, the Governor, and state agencies. The following three main recommendations are highlighted to guide state agencies in efforts to promote health and safety for all communities in Washington State:



In the report, Measurable Goals and Model Policy Recommendations were presented with the intention of requiring legislative action to support implementation. As a result, and after years of dedicated community efforts, political activism, and advocating for civil rights in environmental decisions, Washington lawmakers passed the Healthy Environment for All Act (also known as the HEAL Act) Senate Bill 5141⁶ effective July 25, 2021. This is a historical step toward eliminating environmental and health disparities in people of color and low-income populations throughout Washington State and improving the health of all its residents. This legislation creates a framework with three (3) main goals for all covered agencies, including WSDOT:



⁶ [Chapter 70A.02 RCW](#)

WSDOT'S RESPONSIBILITIES

As a recipient of federal assistance, WSDOT must comply with all conditions related to Environmental Justice required by federal agencies. WSDOT's Office of Equity and Civil Rights (OECR) is responsible for initiating and monitoring Title VI activities (including Environmental Justice), preparing required reports, and enforcing other state transportation agency responsibilities. Title VI of the Civil Rights Act of 1964 can be used to challenge decisions that result in significant racial disparities or were motivated by intentional racial bias.⁷ Title VI, however, is primarily designed to challenge discriminatory decisions after they have been made, and it is limited in its ability to redress the decades of accumulated structural racism that shaped our transportation system. By contrast, Executive Order 12898 was created to avoid, reduce, and mitigate any disproportionate environmental or health disparities of vulnerable populations during early stages of the transportation decision-making process instead of after decisions have been made.

The purpose of the Executive Order (EO) 12898 is limited to "the internal management of the executive branch and is not intended to create" any enforceable rights to challenge "the compliance or noncompliance" of federal agencies, including primary recipients like WSDOT. However, it is the policy of the USDOT and Federal Highway Administration (FHWA) to promote the principles of Environmental Justice (as embodied in Executive Order 12898) by incorporating those principles in all USDOT programs, policies, and activities.⁸ This will be done by fully considering Environmental Justice principles throughout the planning and decision-making process in the development of programs, policies, and activities, using the principles of the National Environmental Policy Act (NEPA) and the Title VI of the Civil Rights Act.⁹ The NEPA process begins when a federal agency develops a proposal to take a major federal action, and this action has the potential to cause a significant effect on the human environment. Even when this EO expanded these principles to the NEPA process to review the potential environmental impacts by recording project considerations in a publicly available document (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement), the Act does not require agencies to consider Environmental Justice. In conclusion, even when Environmental Justice is not part of the NEPA process, and EO 12898 does not provide enforceable rights or obligations, courts have considered and required EJ analysis during the NEPA process in transportation projects.

Now, under the HEAL Act, WSDOT has new and more comprehensive state-level compliance responsibilities for Environmental Justice. All covered agencies, as defined in the HEAL Act, including WSDOT, have the following responsibilities under the new Washington state Environmental Justice statute:

⁷ Racial Equity & Highway Reconstruction

⁸ [dot56102a.pdf](#)

⁹ FHWA Order 6640.23A

DATES	TASKS
July 1, 2022	<ul style="list-style-type: none"> • Create and adopt an equitable community engagement plan, in consultation with and consideration of EJ populations and federally recognized Indian tribes, among others.
January 1, 2023	<ul style="list-style-type: none"> • Create, adopt, and include an EJ implementation plan within WSDOT's strategic plan in consultation with federally recognized Indian tribes.
July 1, 2023	<ul style="list-style-type: none"> • Redefine and update WSDOT's consultation framework and government-to-government relationship in coordination with Indian tribes. • After public comment, WSDOT must periodically publish on its website the types of actions that the agency has determined are significant agency actions (SAA) that require an EJ assessment. • Provide notification of the determination of the types of significant agency actions in the Washington State Register. • Develop a process and adopt a "checklist" for conducting EJ assessments for significant agency actions and begin conducting EJ assessments on significant agency actions. • Incorporate EJ principles into its decision processes for budget development and expenditures. • Publish on its website the types of agency budget and expenditure decisions the agency will focus on to create environmental benefits.
September 1, 2024	<ul style="list-style-type: none"> • Annually update the EJ council on the development and implementation of EJ in the agency strategic plan. • Publish or update a dashboard report on the office of financial management's website.
July 1, 2025	<ul style="list-style-type: none"> • Identify and begin applying EJ assessments to any additional actions that the agency identifies as significant that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

Following the passage of the Heal Act, WSDOT is now also responsible for conducting Environmental Justice Assessments during state-funded significant agency actions (SAAs) that may cause environmental harm or affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population. It's also WSDOT's responsibility to adopt rules or guidelines for criteria to incorporate Environmental Justice principles into its decision-making and budgeting processes.

There are several differences between WSDOT's current responsibilities under federal compliance (EO 12898) and new obligations for state compliance (HEAL Act). It is important for staff, communities, and stakeholders to understand these differences to better address the implementation and enforcement of the agency's new requirements. The following are the main differences between both EJ regulations:

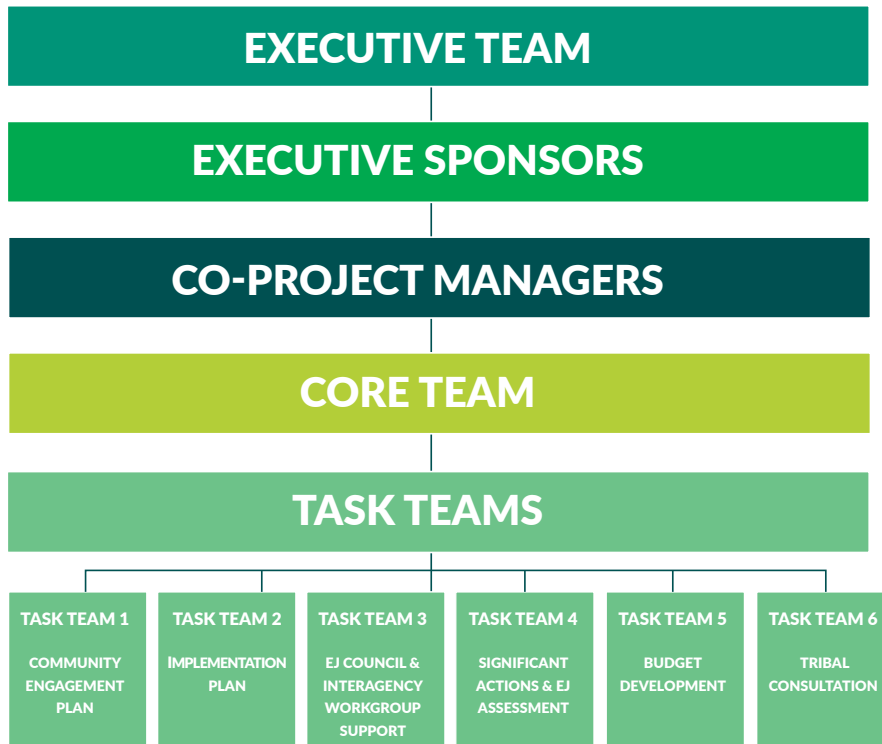
ENVIRONMENTAL JUSTICE IMPLEMENTATION PLAN

Executive Order 12898 (1994)	HEAL Act (RCW 70A.02)
The federal executive order that applies to federal agencies.	State legislation that impacts seven covered agencies of Washington.
It was issued to enforce Title VI of the Civil Rights Act (1964) to reduce environmental racism caused by disproportionately high and adverse human health and environmental effects against minorities and low-income populations.	It was passed with the purpose of reducing environmental and health disparities in Washington state and improving the health of all Washingtonians.
Environmental Justice is a component of Title VI program's enforcement for federal compliance under the USDOT and the FHWA.	HEAL Act is an independent state law.
Directs agencies to perform EJ assessments on proposed projects requiring environmental review under the national environmental policy act (NEPA).	Directs agencies to perform EJ assessments when considering a significant agency action as defined in RCW70A.02.010(12). Note: The state environmental policy act (SEPA) is not a trigger.
Directs federal agencies to develop EJ strategies and agency policies to: Promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; ensure greater public participation; improve research and data collection relating to the health of and environment of minority populations and low-income populations and identify differential patterns of consumption of natural resources among minority populations and low-income populations.	Directs each covered agency to apply the principles of Environmental Justice to the agency's activities, including budget development, making expenditures, and granting or withholding environmental benefits, and when considering significant agency actions. Each agency must have a plan that describes goals and actions to reduce environmental health disparities and for achieving Environmental Justice in the agency's programs
Our current federal EJ compliance does not consider all the decisions or activities that may have the potential to impact, or benefit overburdened communities and vulnerable populations.	We will not only look at projects that may have adverse effects on overburdened communities and vulnerable populations. For example, the HEAL Act directs us to look at transportation projects and grants over \$15 million, regardless of whether these actions are expected to have adverse environmental impacts.
EJ assessments are required for any project subject to NEPA that may result in a disproportionately high adverse impact on a minority or low-income population in or near the project area.	EJ assessments are required for additional significant agency actions including new grant/loan programs, rulemaking, agency request legislation and additional significant actions (to be defined by 2025) that may cause environmental harm or may affect the equitable distribution of environmental benefits to overburdened communities or vulnerable populations.

Our current federal Environmental Justice compliance does not consider all decisions or activities that may have the potential to impact or benefit overburdened communities and vulnerable populations, but only when NEPA reviews are required. Under the HEAL Act, WSDOT is now responsible for assessing adverse environmental 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 projects over \$15 million, and submission of agency request legislation, as well as budgeting decisions. Therefore, WSDOT must update its Environmental Justice compliance framework under the new state law.

WSDOT’S HEAL ACT ADMINISTRATIVE TEAM STRUCTURE

WSDOT has created the below administrative structure to guide implementation of Environmental Justice and the equitable distribution of resources as outlined in the HEAL Act. The structure is composed of management teams to enforce the implementation of the HEAL Act and address the specific tasks that the statute requires for each covered agency.



The Executive Team provides an executive-level steering committee with the role of providing advice, support, and guidance to the Co-Project Managers (Project Management Team). The Executive Team supports agency-wide buy-in to facilitate the delivery and progress of state-level requirements for Environmental Justice within WSDOT. The Executive Sponsors co-chair Executive Team meetings while also providing direction to the Project Management Team between meetings. The Executive Sponsors ensure that agency-specific HEAL Act goals are aligned with overall agency strategy, garner support from other senior executives, provide ongoing direction in an iterative fashion (as directed by the HEAL Act), and create the internal administrative conditions for success.

The Heal Act requires covered agencies to align significant agency activities with Environmental Justice principles.¹⁰ EJ principles include, among other elements, the adoption of policies, opportunities for meaningful public participation at every level of decision-making, including through needs assessment, planning, implementation, enforcement and evaluation, the adoption of urban and rural ecological policies honoring the cultural integrity of all our communities, and the education of institutions.

To integrate these principles within the agency activities, WSDOT created a Core Team of staff-level participants. The Core Team is a diverse, multidisciplinary group with various strengths, perspectives, and expertise relating to the state transportation system. The Core Team is comprised of representatives from many WSDOT divisions, offices, and regions (with respective representation on the Executive Team) who directly engage in Environmental Justice practices.

¹⁰ See the list of principles on page 15 in Section II(B) of this report

The members have been nominated by each of their respective division directors or region managers. As needed, other members may be added to represent and support the divisions and programs most heavily involved in complying with the HEAL Act.

The Project Management Team is the key connection between the executive-level and staff-level decisions and actions to meet HEAL Act requirements and intentions. The Project Management Team serves as WSDOT's lead representatives in the Interagency Work Group (IAWG), developers of this EJ Implementation Plan, identify and initiate task teams and focus groups, ensure implementable strategies are established in all applicable business practices, and work to engage regions and local agencies to promote Environmental Justice outcomes state-wide with policies and practices among other responsibilities. The Project Management Team serves as liaisons in internal WSDOT trust building as well as increasing meaningful engagement with overburdened communities and vulnerable populations; including collaboration with the Task Team leaders to develop WSDOT's Environmental Justice goals, metrics, and objectives. The Project Management Team works with divisions, programs, and staff to implement statutory Environmental Justice mandates; and coordinates EJ work with external partners.

The Task Teams are the staff-level "doers" operating with the purpose of completing specific tasks. The teams are led and composed of all levels of WSDOT employees who have the appropriate experience and knowledge of context-specific subject matter needed to implement and comply with HEAL Act requirements and intentions. Each Task Team has co-leads and a handful of active participants. All participants have approval from their division directors or region managers. Task Team leads are recruited by the Project Management Team.

To assist with the HEAL ACT, WSDOT has committed staff resources at all levels of the agency to assist with implementation. New full-time positions and additional resources include:

1. Office of Equity and Civil Rights (OECR) - EJ Management Analyst
2. Office of Environmental Services - EJ and Public Health Senior Policy Specialist
3. Multimodal Planning and Data Division - Community Engagement Program Manager
4. Multimodal Planning and Data Division – Geographic Information Systems Data Officer
5. Staff resources dedicated to Environmental Justice and community engagement at all regional planning offices.

Section III Implementation Plan

WSDOT STRATEGIC PLAN

WSDOT’s Strategic Plan was updated to improve the way we do business. WSDOT’s Strategic Plan provides the vision, mission, values, and goals that guide the work of the agency. In 2020, WSDOT worked with the Center for Economic and Business Research from the College of Business and Economics at Western Washington University to explore the overall equity of the agency’s operations. As a result, WSDOT published its Equity Study,¹¹ and in July 2021, Secretary Roger Millar signed WSDOT’s Anti-Racism Policy.¹² In this Executive Order, WSDOT renewed its commitment to stand against bias and racism and to remain steadfast in supporting and following federal and state civil rights laws. Supported and empowered by leadership, WSDOT’s employees are responsible for listening, learning, and leading change in pursuit of the agency’s goal of an inclusive workplace culture and an equitable transportation system for all users.¹³ As part of WSDOT’s commitment to being an anti-racist organization, a Diversity, Equity, and Inclusion (DEI) Plan¹⁴ was adopted in August 2022 and incorporates DEI strategies into the agency’s Strategic Plan.¹⁵ WSDOT’s Strategic Plan now focuses on three key goals:



¹¹ [Equity Study](#)

¹² [Executive Order 1119.00](#)

¹³ [Executive Order 1119.00](#)

¹⁴ [WSDOT Diversity, Equity, and Inclusion Plan](#)

¹⁵ [WSDOT Strategic Plan](#)

WSDOT's Diversity, Equity, and Inclusion efforts strive for purposeful connection with our employees, communities, and partners in order to work together on delivering the agency's mission. Resilience guides our agency in preserving and sustaining the entire multimodal transportation system in the face of challenges presented by aging infrastructure, climate change, natural disasters, and other emergencies. The goal of Workforce Development strives to be an employer of choice by hiring, training, and retaining a skilled workforce to meet Washington's legislative, regulatory, service, and public transportation needs. ¹⁶ Under the Diversity, Equity, and Inclusion Strategic Plan goal, WSDOT strives to advance our culture of belonging and access so that all are included, supported, valued, and safe. Through these efforts, as well as extensive collaboration with both internal and external partners, we have focused our DEI planning efforts on the following areas:

- 1. Internal Workforce**
- 2. Data Informed Decisions**
- 3. Diversity Advisorygroups**
- 4. Learn And Grow**
- 5. External Workforce And Contracting**
- 6. Community Engagement**
- 7. Healthy Environment For All Act (Heal Act)**

These seven focus areas are outlined in the DEI Plan, a living document that will evolve and be revised regularly. The incorporation of the HEAL ACT into WSDOT's Strategic Plan through the DEI goal helps the agency to realize its vision, mission and values by mitigating and reducing environmental impacts and health disparities resulting from our current transportation system being historically developed in the context of institutionalized racism within state government decision-making. Adopting Environmental Justice (synonymous with the HEAL Act) as one of the key areas of the Strategic Plan is a step in the right direction to provide equity to all populations in Washington served by WSDOT.

¹⁶ [WSDOT Strategic Plan](#)

The following graphic demonstrates how the HEAL Act and Environmental Justice efforts fit with the other Diversity, Equity, and Inclusion initiatives at WSDOT:



WSDOT ENVIRONMENTAL JUSTICE STRATEGIES

The HEAL Act is one of the seven areas of the WSDOT's Strategic Plan's DEI goal. The following strategies are the components of the HEAL Act focus area:¹⁷

Strategies	Description
COMMUNITY ENGAGEMENT PLAN UPDATE	WSDOT Community Engagement Plan; adopt new strategies for meaningful involvement with people from vulnerable populations.
EJ INTERAGENCY WORK GROUP SUPPORT	Participate in and advise EJ Interagency Work Group; collaborate in the elaboration of strategies and guidelines.
EJ ASSESSMENTS AND SIGNIFICANT ACTIONS	Identify Significant Agency Actions in consultation with communities; Develop an Environmental Justice template for future EJ assessments.
EQUITABLE BUDGET DEVELOPMENT	Develop a process for future budget development and programming to incorporate EJ principles into budget & expenditure decisions.

Community Engagement Plan Update

Outline of the strategy:

WSDOT is committed to meaningful community engagement and providing access to decision-making processes for all people living in Washington state. Community engagement is required by federal and state law and WSDOT policy. WSDOT aims to implement meaningful and inclusive community engagement in the agency's policies, plans, programs, and projects. This work is driven by our Community Engagement Guiding Principles. These principles were established using existing WSDOT policy and federal and state requirements.

In 2014, the WSDOT Community Engagement Team established three working groups: Guiding Principles & Values, Self-Assessment, and Tools and Resources. Over the course of 2014 and 2015, WSDOT had monthly meetings, including presentations of "best practices" from practitioners around the agency. The working groups established a set of community engagement guiding principles, performed a statewide assessment of WSDOT community engagement practices, and identified potential needs related to tools and resources. A Community Engagement Plan was drafted in 2015 using the Community Engagement Team as an executive and advisory board. After three years of hard work, in 2016, WSDOT presented its first federally-compliant Community Engagement Plan¹⁸ providing guidance to our employees and the public about best practices for doing meaningful engagement during transportation activities.

¹⁷ See WSDOT (2022) Diversity, Equity, & Inclusion Plan

¹⁸ [WSDOT Community Engagement Plan \(2016\)](#)

The WSDOT Community Engagement Plan resulted from a collaborative effort between the Department of Transportation and federal transportation agencies (U.S. DOT, FHWA,¹⁹ Federal Transit Administration). The resources in WSDOT's Community Engagement Plan have been developed in coordination with other department guidance such as the Disadvantaged Business Enterprise (DBE) Plan, WSDOT Language Accessibility Plan (2022), Design Manual, and Communications Manual. WSDOT's current Community Engagement Plan from 2016 is also based on the below Federal laws, regulations, and guidelines.

- [Title VI of the Civil Rights Act of \(1964\)](#)
- [EO 12898 \(1994\) – Environmental Justice](#)
- [Americans with Disabilities Act \(ADA\) of 1990](#)
- [Age Discrimination Act of 1975](#)
- [EO 13166 \(Limited English Proficiency\)](#)
- [National Environmental Policy Act](#)
- [Order 5610.2\(2\)](#)
- [FHWA Order 6640.23A.](#)
- [23 CFR § 450.316](#)
- [Others²⁰](#)

The HEAL Act²¹ required, by July 1, 2022, each covered agency to create and adopt a community engagement plan describing how to engage with overburdened communities and vulnerable populations while also evaluating new and existing activities and programs. These plans must describe how agencies facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities in agency processes. After the approval of the HEAL Act, WSDOT staff brought our existing plan into compliance with the HEAL Act to reinforce federal and state requirements and objectives under an updated plan.

Outline of goals, actions, and accomplishments:

- Participate in HEAL Act Interagency Working Sub-groups, including working to develop draft guidance related to community engagement plans.
- Reached out to federal partners explaining approach to the new state requirement. Scheduled monthly check-ins with Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) to ensure changes to the Community Engagement Plan are consistent with federal guidance and do not jeopardize WSDOT's federal compliance.
- Outreach to over 60 community-based organizations across Washington state, including a request to review the current plan and provide suggestions for improvement, especially related to the HEAL Act and Environmental Justice.
- Held three virtual listening sessions to share updates and then learn from community perspectives about how WSDOT should respond to the HEAL Act while updating the Community Engagement Plan.
- Continued work to compile and share community engagement best practices.

¹⁹ 23 CFR 450.210

²⁰ [Federal Highway Administration EJ and Public Involvement Resources. March 9, 2020](#)

²¹ [RCW 70A.02.050](#)

- Outreach to subject matter experts across WSDOT with a request to review the plan and provide suggestions, especially related to Environmental Justice.
- Hosted an internal agency focus group to gather feedback on the plan.
- Present regularly to the agency’s HEAL Act Core and Executive teams and to others as requested. These presentations always include an invitation to participate in ongoing efforts related to the HEAL Act and the Community Engagement Plan.
- Incorporated various internal and external feedback to update the plan and reflect what was heard to better align with the HEAL Act.
- Posted updated draft plan²² on the WSDOT website by the July 1, 2022, deadline. Consistent with the EJ Council’s guidance, the plan is clearly marked as a preliminary draft until such a time that the EJ Council provides official approval. Until such approval is provided, the 2016 plan is publicly posted online and serves as the active federally compliant plan.
- WSDOT established a public webpage to keep communities informed about significant agency actions, plans, upcoming projects, WSDOT-sponsored events, staff contact information, and reports like the annual HEAL Act implementation report.
- To further promote community engagement, WSDOT developed the Community Engagement Scoping Form, designed to assist practitioners in determining the level of community engagement needed for each project. The needs assessment is designed to be administered at the beginning of the planning/scoping phase of a project and should be completed by each region planning office.

Future Steps:

- Develop a toolkit to work as an internal support to guide WSDOT practitioners to be good communicators when working on their respective projects. The community engagement Toolkit will be housed on our internal SharePoint site with links to all virtual training and a calendar of external training opportunities.
- Hire a statewide Community Engagement Manager responsible for coordinating and aligning community engagement across the agency. The position provides support to all regions and be well versed in Environmental Justice, Title VI, ADA, and DEI Principles.
- Online training. WSDOT had community engagement training in the past that was both virtual and in-person. That program has been revisited and will be updated and made into a Community Engagement 101 online training. There will be additional layers of training developed to assist more specialized practitioners on larger significant agency actions on how to engage and build community relationships in a culturally competent manner. This will include the following:
 - Hire a consultant to comprehensively look at WSDOT planning, engagement, and relationship building through an equity lens and provide tailored training and strategies to improve our equity lens and outcomes. In 2022, WSDOT piloted a unique statewide Environmental Justice training and saw the benefits of having a third-party consultant with an in-depth understanding of the “lived experience” in underserved communities.
- Incorporate all relevant and available public health data in community engagement scoping and planning efforts, including the Washington Tracking Network’s Environmental Health Disparities (EDH) map. WSDOT plans to align the recently developed a “Community Engagement Needs Assessment Tool” with relevant and available public health data mentioned above.

²² <https://wsdot.wa.gov/sites/default/files/2022-07/CommunityEngagementPlan-DRAFT2022Update-PolicyPlan.pdf>

- External calendar of community events. 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. We encourage practitioners to get to know and be known within the communities they serve by attending community events and engaging with stakeholders. This can be accomplished with the support of an external calendar of events that will be updated by each region’s communications team. The goal is to revive a past public facing web-based calendar that identified opportunities for communities to connect with WSDOT at public meetings, charrettes, open houses, fairs, etc. Each region/division would have a designated person populate the portal with event information.
- Supplementary tools will be provided that will include:
 - Best practices for hosting an event.
 - A list of community stakeholders to engage with regularly.
 - “How to” plans with videos on how to host a listening session, forum, community meeting, and/or conduct a survey.
 - An interview guidance document on how to conduct equitable community outreach.
 - Lived experience compensation guidelines created by Washington State Office of Equity on how to compensate community members for public participation.²³
- Continue to engage with the Interagency Work Group and participate in the Community Engagement Plan sub-group.
- Engage the EJ Council for guidance.
- Engage with FHWA about our current and draft plan.
- Propose community engagement plan work in our federal State Planning & Research (SPR) work program. When approved by FHWA, this work program allows us to spend federal money on the activities it contains.
- Participate in – and host – community listening sessions with the Interagency Work Group. The coordinated agency listening sessions are currently proposed to begin in 2023.
- Continue current work already underway to compile and share resources for community engagement practitioners.
- Develop a plan for implementing the updated Community Engagement Plan once the EJ Council provides guidance.
- Update and implement Community Engagement Training Program.
- Review and refresh the Community Engagement Plan every two years or as guidance is provided by the EJ Council.
- WSDOT will continue to share its success stories, lessons learned, and techniques to engage successfully with vulnerable populations and further build a strong community engagement culture.
- Create a program that provides continuous one-on-one educational training that is tailored to the specific service delivery needs of each division. The training will focus on meaningful community engagement for all programs and divisions from WSDOT.
- WSDOT HEAL Act Project managers and CORE Team members will convene a team to collaboratively evaluate a cross-section of existing projects and activities to assess community engagement and identify opportunities to enhance current practices on a bi-annual basis or per request from practitioners.

²³ [Office of Equity, Community Compensation Guidelines](#)

- Coordinate efforts with the WSDOT DEI team and resource groups to promote strategies listed in the Community Engagement focus area of the DEI Work-Plan.²⁴
- WSDOT will perform a Community Impact Analysis Report that will include data-driven analysis showing the impact of individual agency projects on affected communities with a special emphasis on the impact to vulnerable populations.²⁵
- WSDOT will develop a public-facing report that will track, evaluate, and report out, using easy-to-understand visual representations, the race, mobility, and economic and equity-related impacts of a specific project or program.²⁶
- While conducting business addressing transportation needs, WSDOT will deploy strategies to understand, identify, and where applicable address disproportionately high and adverse effects on overburdened communities and vulnerable populations. This will require continuous involvement with community members and organizations, from the planning through operations project phases, to help ensure active participation in decision-making processes.
- Continuous community engagement with vulnerable populations. Each division management will encourage periodic engagement and direct involvement with people living in overburdened communities. These dialogues will be supported using the tools, training, and resources that WSDOT will develop and make available.
- To ensure compliance, WSDOT will regularly review its compliance with existing laws and policies that guide community engagement. This will include compliance with Title VI of the Civil Rights Act, Executive Order 05-03, and any guidance related to Executive Order 13166.
- WSDOT has several consultation policies, protocols, and best practices in place that guide staff in working with tribal governments. Each tribal policy was developed in consultation with tribal governments and is compliant with HEAL Act requirements. WSDOT will apply our tribal consultation policies to provisions of the HEAL Act including the Community Engagement Plan, strategic plan, and significant agency actions. WSDOT will continue to work with the covered agencies to coordinate consultation with tribe governments.
- To better engage community members, WSDOT will apply a concept mapping technique that involves mapping the ideas of residents and using those results as part of its strategic plans. It includes brainstorming activities and is very inclusive in the sense that no idea or input is excluded or “edited” in the result. This will allow underserved populations to be invited to participate in civic advisory committees, task forces, and other policy bodies. Such inclusion will help empower these communities and provide access to the whole participatory effort. Language access, translation services, and accessibility accommodations will be of the utmost importance.

²⁴ [WSDOT DEI Plan \(Page 23\)](#)

²⁵ [WSDOT DEI Plan \(Page 23\)](#)

²⁶ [WSDOT DEI Plan \(Page 23\)](#)

EJ Interagency Work Group Support

Outline of the strategy:

The HEAL Act created an Environmental Justice Council (EJC) and an Interagency Work Group (IAWG). The IAWG is composed of all covered agencies and is responsible for collaborating on the development of guidelines to address the requirements of the Act and help covered agencies develop a framework to follow for each required task. The EJC has been established to advise covered agencies on incorporating Environmental Justice into agency activities. The IAWG meets regularly and has created a structure of sub-groups to address guidelines for each one of the tasks of the HEAL Act. Within WSDOT, Task Team Three was given the responsibility of representing the agency within the IAWG and has participants in all workgroup/sub-group meetings and keep them up to date on WSDOT's efforts to implement the HEAL Act.

Outline of goals, actions, and accomplishments:

- The requirements, tasks, and sub-groups created by the Interagency Work Group include but are not limited to:
 1. Community Engagement Plan Development;
 2. EJ Principles into Budget Decisions;
 3. Identification of Overburdened Communities and Vulnerable Populations;
 4. Environmental Justice Education;
 5. EJ Implementation Plan;
 6. EJ Assessments;
 7. Tribal Consultation.
- WSDOT developed and embedded a community engagement needs assessment tool into the project delivery process to ensure meaningful and inclusive engagement that has historically been under-resourced. Practitioners will use this tool to assess, plan, and secure resources to provide meaningful engagement during the project delivery process.
- By September of 2023, WSDOT will annually update the council on the development and implementation of Environmental Justice in agency strategic plans, budgeting, and funding criteria for making budgeting and funding decisions and community engagement plans.
- Beginning in 2024, WSDOT will update the EJC on the agency's implementation status with respect to the Environmental Justice assessments.

Future Steps

- WSDOT will incorporate guidance developed by the EJC during the implementation of this plan and any future updates.
- WSDOT will continue to actively participate in the interagency sub-groups and collaborate on guidance related to the identification of overburdened communities and significant agency actions; the development of a process for conducting EJ assessments; incorporating EJ principles into budget development, making expenditures, and equitably distributing environmental benefits and reducing environmental harms; and other HEAL Act deliverables.

ENVIRONMENTAL JUSTICE IMPLEMENTATION PLAN

- WSDOT will continue serving as a non-voting ex officio liaison to the EJC and participate in all meetings.
- WSDOT will keep participating, advising, and assisting the IAWG with all procedures and activities related to community engagement and consultation with overburdened communities and vulnerable populations.

EJ Assessments and Significant Agency Actions

Outline of the strategy:

As directed by the HEAL Act, WSDOT will conduct Environmental Justice assessments (EJAs) for all significant agency actions (SAAs) as defined in the HEAL Act beginning July 1, 2023. WSDOT will conduct EJAs on additional SAAs identified by the agency beginning July 1, 2025. These assessments will inform decision-making with the goal of ensuring the equitable distribution of environmental benefits, as well as the reduction of environmental harms and the identification and reduction of environmental and health disparities. Meaningful engagement with affected communities will be an integral part of the process.

These assessments will be conducted for any SAA, such as those that may cause environmental harm or affect the equitable distribution of environmental benefits to overburdened communities or vulnerable populations. WSDOT will aspire to complete EJAs without delaying the completion of the underlying agency action as stated in RCW 70A.02.060 (1)(b). WSDOT will consider the EJ Council's guidance on best practices and the use of cumulative environmental health impact analysis when developing a process for conducting these assessments. After public comment, WSDOT will periodically publish on its website the types of agency actions that the agency has determined are SAA (including additional significant actions) that require an EJA. WSDOT has tasked Task Team Four to develop an EJA process and supporting materials.

Outline of goals, actions, and accomplishments:

- WSDOT conducted comprehensive research of other state DOTs' and public agencies' Title VI, Environmental Justice, and racial equity analyses used during the public decision-making process. This information provided the starting place for the development of WSDOT's preliminary draft Environmental Justice template. Additionally, WSDOT already completes EJ assessments for federally funded projects under NEPA and is able to build and expand upon that past work.
- WSDOT convened an internal subject matter expert team to develop a new EJA template for SAAs that incorporates identified best practices in consultation with the IAWG.
- On-going collaboration with the IAWG to determine when and how to incorporate cumulative environmental impact analyses, synonymous with the Environmental Health Disparities (EHD) map, in agency decision-making in addition to supplementing data gaps with other sources to more comprehensively consider the effects of a proposed action on overburdened communities and vulnerable populations.
- WSDOT hired a Senior Policy Specialist for EJ and Public Health to lead the development of the EJA template, institutionalize the process, coordinate internally for future reporting requirements, as well as support staff across the agency in implementing other HEAL Act deliverables.
- WSDOT shared our first EJA template working draft with the WSDOT Heal Act Executive Sponsors, Core Team members, and the relevant sub-group of the IAWG in November 2022. This was intended as an 'early look.' The working draft has undergone several iterations and will incorporate future guidance from the EJ Council. (See Future Steps.)
- WSDOT initiated a comprehensive analysis across WSDOT divisions and programs to identify current and future SAAs that will require an EJA under the HEAL Act. This work will continue, and WSDOT will provide regular reporting and updates as required by the law.
- WSDOT developed a Community Engagement (CE) Needs Assessment Form. This new CE Needs Assessment will be incorporated in the EJA process and to ensure that adequate staff resources and delivery schedules are provided for communities to "co-create" SAA outcomes.

- Implementation of the EJA will involve an intensive period of change management as policy staff work with planners and designers across WSDOT regions and programs to adopt the EJA template and process into project delivery. This socialization process has been underway for several months and will culminate in EJA requirements being incorporated into appropriate agency policy manuals and memoranda.
- WSDOT task team members actively participate in the Interagency EJA sub-group meetings to assist with development and implementation of a consistent HEAL Act EJA process for all covered agencies and outcomes.
- WSDOT task team members actively collaborate with the IAWG in the review and comment of the draft WSDOT EJ Assessment template.
- WSDOT task team members provide ongoing active participation and assistance in the interagency sub-group that was formed to clarify terms and create a process of identifying overburdened communities and vulnerable populations.

Future Steps:

- WSDOT will conduct a further review of the working draft EJA template. During spring/summer 2023, the draft template will be iteratively revised to address internal/external review comments and improve the user EJ guidance. WSDOT will develop guidance to aid WSDOT's staff and consultants in conducting EJAs.
- The assessment template and WSDOT's agency-specific guidance will be updated as we receive additional guidance from the EJ Council and as we learn more from collaboration with other agencies, tribes, and community members.
- WSDOT anticipates there will be a broad community and tribal review process for the EJA template in coordination with the IAWG and the EJC.
- By July 1, 2023 and there afterwards, WSDOT will provide periodic opportunity for public comment on the types of SAAs determined by WSDOT and then provide notification of determination on the types of SAAs to the Washington State Register. By July 1, 2025, WSDOT must consider agency activities and identify and begin applying environmental justice assessments to any actions identified as significant in addition to the SAAs types identified in the HEAL Act.
- WSDOT will continuously review, update, and post to its website any SAAs that require an EJA as well as file notice with the Office of Financial Management per RCW70A.02.090(3). The list of filings must include a brief description of significant WSDOT action and the methods for providing public comment for agency consideration as part of the EJA.
- WSDOT will prepare a list of the state transportation projects, grants or loans that meet the HEAL Act threshold of \$15,000,000; as well as any agency request legislation or rules initiated after July 1, 2023. WSDOT will provide clear assumptions and criteria to be used to define the first round of projects that will have an EJA under RCW 70A.02 to ensure we are fully transparent. A Significant Agency Action Team will be formed to provide the clear assumptions and criteria for agency actions meeting HEAL Act requirements for an EJA.
- WSDOT's Environmental Justice assessment process will include an assessment of cumulative environmental health impacts. WSDOT will perform demographic analyses and identify overburdened communities using the Washington Tracking Network's Environmental Health Disparities (EHD) map and other tools such as EPA's EJ Screen and the State Office of the Superintendent of Public Instruction's data portal among a variety of tools and data resources.

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- WSDOT will provide continuous education and training for staff about the new EJA process and the use of demographic tools. WSDOT staff will be encouraged to use this tool to improve understanding of community-specific context and to identify any negative environmental impacts that are already burdening vulnerable populations. This aids in our commitment to inclusion and practical solutions that serve all communities.
- In collaboration with local partners, stakeholders, and community members, WSDOT will evaluate, identify, and prioritize overburdened communities and vulnerable populations during EJAs. WSDOT will use this information to assist in prioritizing continuous engagement with communities that continue to be underinvested in, underserved, and experience environmental injustices. This will help WSDOT to better understand and identify exposure to environmental risks these populations may face as well as assess the benefits and burdens of plans and programs.
- Each EJA that WSDOT completes will meet all the requirements of the state law and will be used to inform federal compliance documentation. The EJA outcomes and strategies will be compiled and monitored throughout the development and delivery of the significant action. Each assessment of a significant agency action will:
 1. Describe how WSDOT will further involve overburdened communities, vulnerable populations, affected tribes, and indigenous populations in the development of the proposed action (per 70A.02.060(4)(e)).
 2. Explain how feedback will be provided to various groups at future milestones (the process continues forward).
 3. Explain the next steps in decision-making for this action – including whether there will be additional NEPA EJ and Title VI disparate impact analysis. Include next steps for meeting commitments. This will help show that the HEAL Act EJ Assessment process begins early and continues forward.
- WSDOT will incorporate the process and requirements for conducting EJAs into the appropriate policy manuals and memoranda.

Equitable Budget Development

Outline of the strategy:

The HEAL Act requires WSDOT to incorporate EJ principles into its decision processes for budget development, making expenditures, and granting or withholding environmental benefits. This must be done with guidance from the Environmental Justice Council (EJC). Beginning on July 1, 2023, WSDOT will incorporate EJ principles into decision processes and publicly post these on the Agency's webpages. Moving forward, these will inform making expenditure decisions and developing budget requests to the Governor. These EJ principles will be integrated with programs that address or may cause environmental harm or provide environmental benefits and focus applicable expenditures on creating environmental benefits for historically overburdened communities. WSDOT will also identify goals for vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life. WSDOT was tasked with the responsibilities of meeting the requirements of RCW 70A.02.080.

Outline of goals, actions, and accomplishments:

- WSDOT will develop guidelines to incorporate EJ principles into budget development and the making of expenditure decisions.
- WSDOT continues to explore and review other state and public agencies' racial equity analyses as opportunities to incorporate EJ best practices into WSDOT's budget decisions.
- WSDOT actively participates in the budget interagency sub-group and collaborates with other agencies in the development of these guidelines and reporting systems to the Office of Financial Management.

Future Steps:

- WSDOT will create opportunities for overburdened communities and vulnerable populations to participate meaningfully in WSDOT expenditure decisions.
- WSDOT will develop and clearly articulate EJ goals and performance metrics to communicate the basis for agency expenditures.
- By July 1, 2023, WSDOT will publish on its website the types of decision processes or budget development, making expenditures and granting or withholding environmental benefits as detailed in the HEAL Act.
- To successfully implement this portion of HEAL, WSDOT will need strong direction from and collaboration with the Office of Financial Management and the other covered agencies, as well as guidance from the EJC.
- WSDOT will consider a broad scope of grants and contracting opportunities that effectuate Environmental Justice principles, including:
 1. Grants focused on building capacity and providing training for staff.
 2. Providing technical assistance available for communities that may be new to receiving agency grant funding.
 3. Education and work readiness youth programs focused on infrastructure or utility-related internships to develop career paths and leadership skills for youth.
 4. Establish a goal of directing forty percent of grants and expenditures that create environmental benefits for vulnerable populations and overburdened communities.

ADDITIONAL WSDOT ENVIRONMENTAL JUSTICE STRATEGIES, PRACTICES & ACCOMPLISHMENTS

WSDOT will continue to explore and incorporate EJ principles into activities and programs across the agency. To accomplish the above, we will make DEI integral in all aspects of our work by creating an inclusive agency culture and diversifying our spending, creating business and career opportunities for vulnerable populations and overburdened communities, and enhancing our meaningful community engagement activities. Beyond the milestone requirements provided in the HEAL Act, WSDOT has implemented and is exploring the following additional strategies and practices to improve our approach to EJ:

- On our Environmental Justice webpage, WSDOT has developed a new section (Environmental Justice & Title VI)²⁷ on engineering & standards to provide guidance, tools, and strategies for practitioners to use towards compliance with federal and state EJ requirements. This includes community engagement and determining high and adversely disproportionate effects to Washington populations. This section includes different resources for practitioners to use during scoping, preliminary design, and final design.
- WSDOT Chapter 460 of the WSDOT Environmental Manual (Environmental Justice)²⁸ was updated to include new HEAL Act requirements. This chapter provides the direction necessary for transportation improvement project teams to meet EJ requirements during the environmental review process. This Chapter will be updated regularly to provide new guidance and direction to WSDOT practitioners.
- In July 2021, State Transportation Secretary Roger Millar signed an Anti-Racism Policy and Diversity, Equity and Inclusion Planning Executive Order (EO 1119),²⁹ to continue advancing anti-racist practices and policies by extending equal opportunity, justice, equity, diversity, accessibility, and inclusion to individuals of every race, national origin, ancestry, indigenous heritage, age, religion, gender, disability, pregnancy status, marital or parental status, sexual orientation, gender identity or expression, arrest record status, military or veteran status, social or economic status, or any other protected class, consistent with applicable laws.
- To effectively use WSDOT's resources and efforts, an internal SharePoint has been developed. This collaborative software tool will allow for the collaboration and centralization of all WSDOT's efforts to meet the state and federal requirements in EJ and DEI. The SharePoint includes the following:
 1. Plans such as Title VI, Community Engagement, and HEAL Act implementation, as well as EJ assessments.
 2. List of community engagement events, such as WSDOT-sponsored, external community, trade, and faith-based opportunities.
 3. Geographic Information System (GIS) map, including data from the Washington Tracking Network as well as other relevant transportation-related information.

²⁷ <https://wsdot.wa.gov/engineering-standards/environmental-guidance/environmental-justice-title-vi>

²⁸ <https://wsdot.wa.gov/publications/manuals/fulltext/M31-11/460.pdf>

²⁹ [Anti-Racism Policy and Diversity, Equity, and Inclusion Planning Executive Order 1119 \(PDF 271KB\)](#)

- WSDOT seeks to address EJ in vulnerable populations and overburdened communities by developing new public policies, plans, and regulations or updating existing ones to reflect DEI and EJ principles. The intent is to focus on policies that develop the power of community, state interventions, and the expansion of access. These updated and/or new policies will cover important transportation aspects such as:
 1. Benefits of transportation infrastructure to vulnerable populations and overburdened communities in Washington.
 2. How to apply a comprehensive approach to understanding future projects effects on communities and the identification of overburdened communities, vulnerable populations, and affected Tribes.
 3. Increasing access and connectivity to decision-making in public transportation for vulnerable populations and overburdened communities.
- To assist with developing and implementing the HEAL ACT, WSDOT has committed to providing staff resources at all levels of the agency to assist with implementation. It is WSDOT's intent that these employees will all have the knowledge and professional experience related to community engagement, DEI, and EJ. Positions include, among others:
 1. Office of Equity and Civil Rights (OECR) - EJ Management Analyst
 2. Office of Environmental Services - EJ and Public Health Senior Policy Specialist
 3. Multimodal Planning and Data Division - Community Engagement Program Manager
 4. Multimodal Planning and Data Division – Geographic Information Systems Data Officer
 5. Staff resources dedicated to Environmental Justice and community engagement at all regional planning offices.
- Create tools to enhance decision-making centered on equity and driven by demographic data collected during WSDOT activities. For example, in taking an approach of recognizing past harms, addressing and mitigating current challenges, and identifying future opportunities, WSDOT has begun to develop a GIS map that identifies all WSDOT investments and sponsored activities. This will aid in reporting on current activities and the communities impacted and identify areas of need. The map includes a data layer of projects done from 2010 to 2020 by the Capital Program Development & Management Division (CPDM).
- WSDOT is exploring opportunities to develop a GIS database that will capture each division's activities related to EJ and community engagement. We anticipate developing this data portal by the end of 2024.
- The Multimodal Planning and Data Division is currently leading an innovative research project that will identify leading and lagging indicators correlated with transportation activities. This research is anticipated to inform the EJA process during the project planning, scoping, and design phases. This research may also inform decisions related to other SAAs.
- WSDOTs' Maintenance Division is exploring the ability to develop a GIS map layer of Limited English Proficiency (LEP) communities that will be accessible on field computers to assist maintenance staff in understanding and planning for LEP language access needs in the respective areas they are servicing. This may include providing LEP resource materials for maintenance staff.
- Evolve our community engagement and involvement efforts from project-based to community and relationship-based.

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- Identify and support EJ and community engagement educational opportunities along with other learning experiences to strengthen and support the EJ capacity of WSDOT practitioners to fulfill expectations of the HEAL Act.
- Members of the WSDOT HEAL Act administrative structure will continue to explore opportunities to embed EJ in all divisions, programs, and regions. This work will be demonstrated in the development of plans, practices, and policies as detailed in the WSDOT Strategic Plan.
- Enhance processes, procedures, and policies to strive for an internal workforce that reflects our state's demographic makeup.
- Ensure that our external workforce and contracting efforts work to create increased economic opportunities for all disadvantaged and under-represented groups, including vulnerable populations and overburdened communities.
- Identifying and disrupting racism embedded in our organization, policies, protocols, practices, and decision-making.
- In compliance with the HEAL Act, WSDOT plans to continue applying our Tribal Consultation policies, which were developed in consultation and approved by 32 tribes with interests in Washington State. The policies are compliant with the HEAL Act, which requires consultation on any projects or plans that have the potential to impact tribes and associated treaty rights. WSDOT regularly participates in the EJC meetings as well as the Interagency Tribal Liaisons Workgroup, working on drafting standardized Tribal Engagement policies for use in conjunction with the HEAL Act community engagement guide. WSDOT has a designated tribal liaison that has received all the training required by the HEAL Act.
- The Washington State Office of Equity recently developed the Lived Experience Compensation Guidelines. WSDOT is currently developing strategies and policies to provide a clear and consistent approach to implementing this guidance across the agency to compensate community members for public participation in agency engagement activities.

METRICS TO TRACK AND MEASURE ACCOMPLISHMENTS.

Measuring and tracking accomplishments for HEAL Act implementation can be considered in two broad categories: compliance with the statutory requirements of the HEAL Act and achievement of the outcomes intended through the HEAL Act. Monitoring and reporting progress in meeting the timelines for specific HEAL Act deliverables will be accomplished through the reporting requirements in RCW 70A.02.090 and internal procedures to be determined by WSDOT's HEAL Act Co-Project Managers. The development of metrics related to the achievement of the outcomes intended through the HEAL Act will be informed by the ongoing work of the Environmental Justice Council and will be shaped by the EJC's guidance with respect to the practical implementation of the principles and application of key definitions contained within the law.

WSDOT Heal Act administrative structure will continue to ensure compliance with the new state-level requirements. Co-project managers and task-team leaders will continue to monitor and report on the status and/or progress of implementing HEAL Act strategies, practices, and policies. WSDOT acknowledges metrics relating to implementing EJ along with community engagement should be co-created with communities, in coordination with the IAWG and the EJC. Therefore, we will develop specific metrics as we receive guidance from each area. WSDOT will continue to actively participate in the IAWG and the EJC with representation in all sub-groups created to address tasks from the HEAL Act. By September of 2023, WSDOT will annually update the EJC on the development and implementation of EJ in agency strategic plans, budgeting, and funding criteria for making budgeting and funding decisions and community engagement plans. WSDOT will maintain a website that transparently provides updates on EJ related activities.

COMPLIANCE WITH EXISTING FEDERAL AND STATE LAWS RELATING TO ENVIRONMENTAL JUSTICE:

The Office of Equity and Civil Rights (OECR) is a primary lead in WSDOT's HEAL Act administrative structure to ensure federal EJ-compliance while also aligning the HEAL Act implementation with agency-wide initiatives led by this office. This office is also responsible for overseeing compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12898. Each program, division, and region within WSDOT has a Title VI liaison that annually reports to the OECR about data related to discrimination based on race, color, national origin, Limited English Proficiency persons, and people with disabilities. These Title VI liaisons ensure their respective programs are compliant with federal requirements and with Environmental Justice under Executive Order 12898. By aligning federal and state compliance for EJ, WSDOT will improve the efficiency of efforts to meet responsibilities under both jurisdictions and avoid duplication of efforts. Under the OECR, WSDOT will gather all data and necessary information to keep updating the Governor, the Legislature, the EJC, the IAWG, and the federal government about WSDOT's progress.

The following are some of the actions WSDOT will implement to support compliance with laws related to EJ:

1. WSDOT's Anti-Racism Policy and Diversity, Equity, and Inclusion Planning Executive Order 1119 renews the agency's commitment to stand against bias and racism and to remain steadfast in supporting and following federal and state civil rights laws. This Executive Order reaffirms WSDOT's commitment to Title VI and Environmental Justice practices to eradicate discrimination within our agency's actions and services.
2. WSDOT's recently adopted Title VI Plan (2022) demonstrates commitment to continuously improve compliance with Title VI through on-site reviews of local programs and WSDOT internal divisions and programs. These reviews help us to understand the status of Title VI programs in each federally funded local agency. These reviews are required by FHWA and are performed annually to ensure compliance with federal law. Data related to EJAs and the insertion of EJ principles into activities are several of the requests for information we do during these reviews.
3. WSDOT will continue performing Environmental Justice assessments as required on federally funded projects through NEPA reviews with oversight by the OECR and support of agency-wide Title VI liaisons, including the Environmental Services Office and regional planning and engineer divisions, among others.
4. WSDOT will continue to work with divisions, regions, and local programs to improve their process of community engagement, demographic data collection, and equity assessments. The intention of these processes is for WSDOT to develop a better understanding of the populations it is serving and engaging with and to improve the quality of our services and community involvement.
5. WSDOT will focus on improving access to services for persons with limited English proficiency (LEP), as detailed in the WSDOT LEP Accessibility Plan (2022). This includes conducting demographic analyses to identify the characteristics of a specific region's population and applying a four-factor analysis and safe harbor to determine the LEP population needs. In addition to providing meaningful access to all communities in our decision-making process, WSDOT will work to ensure translations are provided in the primary languages on a statewide and regional level based on the results of demographic analyses taken from available tools, such as WSDOT Language Access Plan, the Washington Environmental Health Disparities (EHD) map, and EJScreens among other resources. For example, according to our demographic analysis in our WSDOT Limited English Proficiency Access Plan, 7.7 percent of Washington State's population has a limited English proficiency or an English proficiency level that could impede this group's ability to access services.

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6. WSDOT will continue to comply with all environmental review requirements under the state and national environmental policy acts (SEPA & NEPA) and their implementing regulations. WSDOT's Environmental Services Office will regularly update WSDOT's statewide procedures for compliance with EJ laws and executive orders and conduct necessary training and provide technical assistance to regional and modal offices and other staff throughout the agency.
7. The OECR has recently approved the first Title VI and Environmental Justice training for all employees and staff through the Learning Management System (LMS). This training will be required for new agency employees to help develop the skills and knowledge necessary to comply with federal requirements under these programs.

Appendix

ENVIRONMENTAL JUSTICE BACKGROUND

The Title VI, 42 U.S.C Sec. 200(d), of the Civil Rights Act of 1964 was created to prohibit discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. Specifically, Pub. L. 88-352³⁰ states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Title VI prohibition of discrimination based on national origin has been extended to include discrimination based on Limited English Proficiency (LEP). Under Executive Order 13166³¹, WSDOT is required to provide LEP individuals with meaningful access to its programs and services. WSDOT is also required to identify any need for services to LEP applicants, which generally involves some combination of services for oral interpretation and written translation of vital documents.

After the passage of the Civil Rights Act of 1964, communities of color became increasingly concerned with the adverse environmental impacts of private and/or governmental actions, including transportation policy and projects. Around the same time, the Federal Aid Highway Act of 1956 established the Interstate highway system, and the number of automobiles on the road significantly increased. This Act authorized highway construction nationwide and empowered by this new law, Interstate highway system planners often intentionally built highways through communities of color, with particular emphasis on African American communities. The government also often relied on eminent domain to force the removal of residents from their homes. These transportation actions and racist practices led to “freeway revolts” nationwide. In response to the freeway revolts, between 1962 and 1970, Congress enacted a host of legislation aimed to curb the impact of highway construction. Impacted communities also used Title VI complaint procedures for the first time to address environmental racism against facilities and projects causing environmental and health risks, namely to African Americans.

Warren County, North Carolina, is considered the birthplace of Environmental Justice. In the 1970’s and 1980’s, in Warren County, North Carolina, mostly African American residents mobilized to try to prevent the state government from siting a new landfill for the purpose of disposing hazardous materials in their community. On October 24, 1991, the United Church of Christ’s Commission for Racial Justice held the National People of Color Environmental Leadership Summit³² in Washington, DC. Over 1,000 people, comprised of indigenous people, African Americans, Asian Americans, Latin Americans, Pacific Islanders, and other activists, attended the Summit. As a result of this summit, attendees drafted the Seventeen Principles of Environmental Justice,³³ which has served as a guide for organizations and public institutions nationwide.

³⁰ [Pub. L. 88-352](#)

³¹ [Executive Order 13166](#)

³² National People of Color Environmental Leadership Summit

³³ 17 principles of Environmental Justice

The Principles of Environmental Justice (EJ)

1. Environmental Justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. Environmental Justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
3. Environmental Justice mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
4. Environmental Justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
5. Environmental Justice affirms the fundamental right to political, economic, cultural and environmental selfdetermination of all peoples.
6. Environmental Justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
7. Environmental Justice demands the right to participate as equal partners at every level of decisionmaking, including needs assessment, planning, implementation, enforcement and evaluation.
8. Environmental Justice affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
9. Environmental Justice protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
10. Environmental Justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
11. Environmental Justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
12. Environmental Justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.
13. Environmental Justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
14. Environmental Justice opposes the destructive operations of multi-national corporations.
15. Environmental Justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
16. Environmental Justice calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.
17. Environmental Justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

Joined by delegates from Puerto Rico, Canada, Central and South America, and the Marshall Islands, those present at the October 24 through October 27 meeting in Washington, D.C., started a process of redefining environmental issues on their terms. These principles have guided the EJ movement and played an essential role in its implementation nationwide. Based on recommendations from an investigation³⁴ into accusations of environmental racism, in November 1992, the Environmental Protection Agency (EPA) established what is now the agency's Office of Environmental Justice. In 1993, as the movement gained momentum, the National Environmental Justice Advisory Council,³⁵ an independent advisory group to the EPA was created. In 1994, President Clinton issued Executive Order 12898³⁶ to start enforcing Environmental Justice to protect minority and low-income populations from high and adverse human health, social, economic, and environmental effects on federal public projects and activities. Environmental Justice is removing or mitigating the negative impacts of environmental and land-use policies on low-income and minority populations. Since 1994, Executive Order 12898 has directed Federal agencies to develop Environmental Justice strategies to address any disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations.

Studies have reflected that people who live in low-income and African American communities are more likely to face barriers to physical activity, such as non-existent or lower-quality sidewalks, fewer parks, less green space, and greater danger from crime and traffic. African American communities live with 66 percent more air pollution from vehicles³⁷ than white residents. Studies reflect that low-income and African American communities have not held positions on planning and zoning commissions, city councils, and similar boards in any significant numbers and have participated in public hearings and planning forums in relatively low numbers compared to the general population. The lack of participation from people of color, the discouragement of their participation in public decisions, and the lack of diversity in public decision-making positions have resulted in transportation disparities. Poor transportation planning has exposed people of color and low-income communities to higher concentrations of air pollutants while failing to provide these neighborhoods with sufficient public transportation options. People of color and poor and working-class people complain that they have little say in shaping land-use plans and policies for their communities³⁸ and that the process discourages their participation. Fortunately, over the years, more groups have raised their voices at all levels of government to seek fairness in public decision-making to eradicate the inequitable distribution of environmental harms and benefits by race and class in U.S. society. This has resulted in the approval of new state-level public policies and laws, including recently in Washington State.

³⁴ [Investigation](#)

³⁵ [National Environmental Justice Advisory Council](#)

³⁶ https://www.epa.gov/sites/production/files/2015-02/documents/clinton_memo_12898.pdf

³⁷ People of color live with 66% more air pollution, US study finds, The Guardian.

³⁸ Fair and Healthy Land Use: Environmental Justice and Planning, Craig Anthony Arnold, Preface V.

FEDERAL COMPLIANCE

Executive Order 12898 states that in following Title VI of the Civil Rights Act of 1964, each Federal agency shall make achieving Environmental Justice principles part of its mission by identifying and addressing, as appropriate, disproportionately high, and adverse human health or environmental effects of its programs, policies, and activities. Identifying and addressing these concerns shall be done in minority and low-income communities when such analysis is required during a National Environmental Policy Act of 1969 (NEPA) assessment or review. NEPA requires the review of the effects of all federal, federally assisted, and federally licensed actions, not just those defined as “major” or having “significant” impacts. The level of review given different kinds of projects varies with the likelihood of serious impact. The following are the fundamental principles of Environmental Justice per Executive Order 12898:

1. Avoid, minimize or mitigate disproportionately high and adverse human health, social, economic, and environmental effects on minority populations and low-income populations,
2. Ensure full and fair participation in the decision-making process by all potentially affected communities, and
3. Provide full and prompt benefits, by preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income.

To implement the above, federal agencies were required to develop Environmental Justice strategies that included lists of actions or policies that needed to be revised to:

- Promote enforcement of all health and environmental statutes in areas with people of color and low-income populations.
- Ensure greater public participation.
- Improve research and data collection related to the health and environment of people of color and low-income populations; and
- Identify different patterns of consumption of natural resources among these populations.

Plaintiffs and stakeholders have had some limited success in challenging Environmental Justice analyses during cases brought to federal district courts, given the lack of a statutory mandate for agencies to consider Environmental Justice during the NEPA process. The courts have also played a limited role in reviewing Environmental Justice analyses in NEPA cases since Executive Order 12898, by its own language, does not create enforceable rights to challenge federal agency compliance with the Order in court either.

However, over the years, courts have held agencies accountable for not performing Environmental Justice analysis. In some of these cases, courts have decided that agencies have not done a sufficient analysis during their Environmental Impact Assessments about the impact a project might have on Environmental Justice-protected populations. In 2017, an Idaho Federal district court held that the U.S. Air Force failed to consider adverse noise impacts from proposed training missions on people of color and low-income populations and lacked adequate support for its “cursory” conclusion that such populations were not affected by the project. In 2020, a D.C. district court found that the U.S. Army Corps of Engineers failed to support its conclusion that the Environmental Justice communities would not be disproportionately affected by a potential oil spill from a proposed oil pipeline project. Another 2020 decision from a California district court found that the Bureau of Land Management failed to address the Environmental Justice impacts of rescinding a rule to reduce methane from federal oil and gas leases despite evidence in the record of such impacts.

Some members of Congress have already introduced legislation to clarify how Environmental Justice should be considered under the NEPA process and require agencies to develop Environmental Justice strategies to incorporate into their NEPA implementation. Also, on January 27, 2021, President Biden signed Executive Order (EO) 14008³⁹, “Tackling the Climate Crisis at Home and Abroad,” which created a government-wide “Justice40 Initiative” that aims to deliver 40 percent of the overall benefits of relevant federal investments to disadvantaged communities. EO 14008 requires agencies to make Environmental Justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. EO 14008 amends EO 12898 to change the composition of the White House Environmental Justice Interagency Council (Interagency Council), members, mission, funding, capacity, meetings, staff, and administrative support. Also, the Interagency Council submitted to the President a set of recommendations for further updating Executive Order 12898. Without these administrative orders (EO 12898, EO 14008, USDOT 5610.2, and FHWA Order 6640.23A), Environmental Justice wouldn’t be part of the NEPA review process required by agencies.

Subsequently, U.S. Department of Transportation (USDOT) Order 5610.2(2)⁴⁰ and the Federal Highway Administration (FHWA) Order 6640.23A⁴¹ mandate federal recipients of transportation funding to address Environmental Justice in minority and low-income populations. USDOT’s Environmental Justice strategy strives to achieve equitable distribution of transportation benefits and burdens associated with the programs, policies, and activities that it and its recipients and sub-recipients administer. As a recipient of federal financial assistance from USDOT and its modal administrations (Highway, Transit, Rail, and Aviation, among others), WSDOT is required to comply with Title VI of the Civil Rights Act of 1964 and the EO 12898. The USDOT and FHWA Orders and other related guidance establish the process to prevent disproportionately high and adverse effects on minority or low-income populations through Title VI enforcement and Environmental Justice analyses conducted as part of federal transportation planning and NEPA⁴² process. WSDOT must make Environmental Justice part of its mission and develop strategies to identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on these populations.

Title VI Policy Executive Order Number 1087⁴³ sets forth the Washington State Department of Transportation’s policy of compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and other related applicable civil rights statutes and rules, including Environmental Justice under the Executive Order 12898. In alignment with these regulations, WSDOT has acknowledged that Environmental Justice must be integrated in all areas of our agency to address unfairly high and harmful human health or environmental effects of our programs, policies, rules, budget decisions and actions. On November 3, 2020, WSDOT Secretary Roger Millar signed the Environmental Policy Statement⁴⁴ to provide clear direction on meeting WSDOT’s environmental responsibilities, including engaging all communities that are likely to be affected by proposed transportation plans and projects, including minority and low-income populations, enhance our decision-making processes to advance Environmental Justice and increase social equity, and work with the tribes and federal, state, and local agencies to adequately protect our state’s natural and cultural resources.

³⁹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

⁴⁰ [USDOT Order 5610.2\(2\)](#)

⁴¹ [FHWA Order 6640.23A](#)

⁴² [National Environmental Policy Act](#)

⁴³ <https://wsdot.wa.gov/sites/default/files/2021/05/19/WSDOT-TitleVIPolicy-1087.pdf>

⁴⁴ WSDOT Executive Order Number: E 1018.03

WSDOT has created an Environmental Justice guidance, tools and guidance to practitioners to use towards compliance with federal and state Environmental Justice requirements including community engagement and determining high and adversely disproportionate effects to Washington populations on our engineering & standards Environmental Justice web page.⁴⁵ Chapter 460 of WSDOT Environmental Manual⁴⁶ was inserted to provide direction necessary for project teams to meet EJ requirements during the environmental review process for transportation improvement projects. A detailed Environmental Justice analysis is required during the environmental review of transportation projects that require a NEPA EIS or EA, but also projects that are classified as exempt from a detailed analysis under NEPA still consider impacts to EJ communities.

It is WSDOT practice to analyze Environmental Justice impacts for all projects and project teams must use demographic data and community outreach to inform their EJ analysis. 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. (For more information visit Chapter 460).

In addition, WSDOT has developed several plans over the years to address Environmental Justice to improve the quality of transportation services for all populations living in the state of Washington. In addition, WSDOT Title VI Implementation Plan⁴⁷ addresses Environmental Justice compliance through all stages of transportation actions when such analysis is required during NEPA reviews of the likelihood of impacts. WSDOT has been identifying and engaging with overburdened communities and vulnerable populations to ensure their fair treatment and access to meaningful involvement in the transportation decision-making process. As a result, WSDOT approved its 2016 Community Engagement Plan⁴⁸ to provide information and tools on the agency's engages with partners, stakeholders, tribes, and communities for all WSDOT efforts. In its mission to engage with all overburdened communities and vulnerable populations and provide meaningful access to all transportation programs, services, and activities. WSDOT developed its Language Accessibility Plan⁴⁹ in 2019 (recently updated).

All these actions taken by WSDOT have the intention not only to comply with its obligations towards federal agencies and civil rights regulations but to continue enforcing WSDOT's goal of inclusion and continue building a transportation system that reflects the communities we serve. WSDOT has been identifying and engaging with overburdened communities and vulnerable populations to ensure fair treatment and access to meaningful involvement in the transportation decision-making process. As part of an initial improvement, in 2016 WSDOT made inclusion one of the main goals of its strategic plan to include all voices in transportation decisions and working with all communities in the planning, development, and operations. This goal helped WSDOT to develop new strategies of meaningful engagement with communities during the different stages of transportation decision-making. At WSDOT, we have actively combatted racism and strengthening our anti-racist, diversity, equity, and inclusion efforts to guarantee that our transportation system serves all Washingtonians.

⁴⁵ <https://wsdot.wa.gov/engineering-standards/environmental-guidance/environmental-justice-title-vi>

⁴⁶ <https://www.wsdot.wa.gov/publications/manuals/fulltext/M31-11/em.pdf>

⁴⁷ [WSDOT Title VI Program Plan \(PDF 1.5MB\)](#)

⁴⁸ Community Engagement Plan in 2016

⁴⁹ English Proficiency (LEP) Plan

In 2022, WSDOT's Strategic Plan goal of Inclusion was expanded to include Diversity and Equity noted below:⁵⁰



WSDOT's new DEI goal ensures we purposefully engage with and listen to our employees, communities, and partners as we collaboratively deliver our programs, actions, and services. As part of our mission to ensure we engage with and listen to our overburdened communities and vulnerable populations, we also included Environmental Justice as part of our DEI goal.

⁵⁰ <https://wsdot.wa.gov/about/secretary-transportation/strategic-plan>