

Chapter 458 Social and Community Effects

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458.01 Social and Community Effects Analysis

The Social and Community Effects analysis examines how the proposed transportation improvement affects the people who live, work, and play in the vicinity of the project. This involves compiling and evaluating economic, human health, cultural and other demographic data. Section 109(h) of the Federal Aid Highway Act requires an assessment of the “social, economic, and environmental impacts” under NEPA. SEPA declares ([RCW 43.21C.020](#)) that it is the “continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to:

- a) Foster and promote the general welfare.
- b) Create and maintain conditions under which human beings and nature can exist in productive harmony.
- c) Fulfill the social, economic, and other requirements of present and future generations of Washington citizens.”

As a recipient of Federal financial assistance, the Washington State Department of Transportation (WSDOT) is subject to the requirements of various Federal nondiscrimination laws and regulations including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Executive Orders for Environmental Justice and Limited English Proficiency (LEP) populations. These laws and Executive Orders are intended to protect the Civil Rights of all individuals affected by programs and/or activities of a Federal recipient/subrecipient. Accordingly, WSDOT makes a concerted effort to engage underserved populations (e.g. minority, low income, Limited English Proficiency) in the project development process. WSDOT’s responsibilities under these laws include, but are not limited to:

- Identifying and addressing disparate impact and disproportionate high and adverse effects associated with our projects, programs, and activities.
- Ensuring that we make every effort to provide benefits, services, and access equally to all groups. Access considerations include multimodal options for all groups relative to their needs, practices, and culture.
- Avoiding, or if not possible, minimizing the hardships associated with displacement or residents and businesses.
- Providing equal access to information and meaningful involvement in the decision-making process regardless of race, color, sex, income, disability, age, or national origin.
- Ensuring that communications with the public are inclusive of persons with Limited English Proficiency.
- Documenting our decision-making processes.

WSDOT's policy is to follow FHWA guidance relative to Title VI, Environmental Justice, and FHWA's [Technical Advisory T 6640.8A](#). The Social and Community Effects analysis described in this manual summarizes the TA guidance and examines the effect of transportation improvements on four areas:

- The distribution of benefits and burdens of the project.
- Impacts to the social network.
- Impacts to the local and/or regional economy.
- The effect of residential and commercial relocations.

Some CEs require a review for impacts to Environmental Justice communities, but do not require a detailed study because, by definition they:

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

The level of environmental documentation required for a Social and Community Effects analysis for an EA/EIS can vary greatly depending on the scale of the project, the severity of the potential impacts, and the level of public controversy. In addition, the name used for the analysis should be tailored to your project. For example, some project teams elect to combine socioeconomic or social and community effects with environmental justice, while others feel the public will prefer to see a separate environmental justice report. While there is flexibility in the format and titles, the methods of analysis and the documentation of conclusions must follow the direction of the federal NEPA Lead and WSDOT policy.

Potential impacts identified in various studies should be discussed in the social analysis. Once you have determined the level of documentation required, conduct the analysis concurrently with, or slightly after, the following discipline studies:

- Air
- Noise
- Transportation (including goods movement)
- Public Services
- Utilities
- Stormwater
- Floodplains
- Cultural Resources
- Section 4(f)
- Hazardous Materials
- Visual Impacts

458.02 Title VI and Environmental Justice Analyses

Environmental Justice (EJ) and Title VI of the Civil Rights Act (Title VI) address the distribution of the physical, social, and economic impacts of a proposed project and its potential alternatives. Protection of the community's civil rights and the fair distribution of a project's burdens and benefits lie at the heart of the issue. WSDOT is required by State and Federal law (see [Section 458.09](#)) to consider equity effects.

Project teams must use demographic data from the U.S. Census and the Office of the Superintendent ([OSPI](#)) to inform their EJ disproportionate impacts and Title VI disparate impacts analyses. The demographic profile should identify the existence of minority groups (by race, color, national origin) and low-income populations. If the demographic analysis shows the presence of a protected social group within the study area is likely to be impacted, the environmental document should contain the following information broken down by race, color, and national origin:

- The percent of the population that is transit dependent.
- The percent of the population over 65.
- The percent of the population with disabilities.
- The percent of the population with Limited English Proficiency (LEP).

The analysis should include an examination of the equity effects for each alternative, including the No-build. An environmental document must include a comparison of the distribution of a project's burdens and benefits by the social groups identified in the demographic analysis. The effects on these groups should be described to the extent these effects can be reasonably predicted. There is no need to be exhaustive with this comparison. Discuss impacts to the groups in proportion to the severity of the related impacts.

Find procedures for a combined Title VI and EJ analysis on the [Environmental Justice](#) web page. The disparate analysis determines if the impact(s) will likely have a disparate impact by comparing the least impacted group to the most impacted group in the study area. The EJ analysis compares the adverse impacts to the EJ population to the adverse impact to the non-EJ population within the study area. The discussion should address:

- Whether minority or low income populations bear a "disproportionately high and adverse impact".

- Possible mitigation measures to avoid or minimize any adverse impacts.
- Special relocation considerations for affected groups and the measures proposed to resolve these relocation concerns.
- Public response to the project and proposed mitigation. Include a discussion of how the project design was changed to address public concerns.

If the project team determines it will have a “disparate impact” they must document a “substantial legitimate justification”. If no substantial legitimate justification exists, they must choose a “less-discriminatory alternative” to the proposed alternative.

A “disproportionately high and adverse determination is one where the::

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

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

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

458.03 Limited English Proficiency – LEP

In accordance with the Limited English Proficiency Executive Order ([Presidential Executive Order 13166](#)) WSDOT requires that all vital documents identified through a Four Factor analysis should be provided if the demographic analysis shows that five percent of the population, or 1,000 individuals within the study area, speak a language other than English “less than well”. See our Environmental Justice web page for how to make this determination.

The [WSDOT LEP Plan](#) requires project managers to:

- Make every effort to provide services, either through translation or interpreter, prior to scheduled meetings, such as public hearings, or project meetings.

- Pay for the translation of vital documents and interpreter services including summary newsletters, brochures, public notices for meetings and summary documents for open houses or environmental hearings. Interpreter services should be provided upon request for open houses and hearings.
- Provide information on how to request translation or interpreter in the appropriate languages and the translation or interpreter services upon request.

458.04 Social and Community Effects

This element evaluates the transportation project's impact on the ability of the community to function as a whole. It describes both positive and negative effects. As detailed in the previous section, the level of discussion should reflect the severity and extent of the impact. If an analysis is required, focus the analysis on issues of greatest interest to the local community. Use information from the public scoping meetings, interviews with local officials and leaders, and the public involvement process to identify focus areas. At a minimum, the analysis should include a discussion of the following issues for each alternative including the no build:

- Changes in community cohesion (splitting or isolating a portion of a neighborhood or EJ community from community facilities, generating new development, and separation from services).
- Changes in travel patterns, travel time and accessibility for all modes.
- Direct and indirect impacts to social services caused by displacing households (school districts, churches, law enforcement, fire protection, and recreation areas).
- Highway, traffic, bicyclist, and pedestrian safety, and changes in overall public safety.
- Impacts to human health (see 12-Step Social and Community Effects Analysis Process).
- Project benefits to the community.
- Project effects on elderly, disabled, and transit dependent populations within the study area.

Although some of these elements are measurable and can be drawn directly from analysis of other disciplines (Air, Noise, Transportation, Public Service and Utilities), the analysis requires consideration of the affected community's perception of the severity of the impacts and proposed mitigation measures. Therefore, the analysis will, by nature, be qualitative and require early, continuous and meaningful engagement with the community. A robust system for recording and tracking issues is essential for project success.

458.04(1) Economic Effects

The environmental document should discuss economic effects if the transportation project is likely to have a substantial adverse effect on a large segment of the economy, or creates land use changes that are not part of an approved local or regional plan. Clearly explain the compatibility of the project with adopted comprehensive plans and coordination with local officials and any impacted business owners.

Economic benefits and impacts can include:

- Changes in the type of development and its effect on government revenues and expenditures.
- Changes in employment opportunities.
- Changes in business vitality due to retail sales, changes in access, visibility, or competition from new business development resulting from the project (e.g., development of a new shopping mall at a new interchange location).
- Impacts to existing highway related and drive-by businesses in the study area (such as motels, gas stations and convenience stores).

Project teams should consult FHWA's technical advisory ([T 6640.8A](#)) and our [Social and community](#) web page.

[RCW 47.04.280](#) lists Economic vitality as a transportation system goal to, "promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy". State multimodal transportation projects often support planned developments and regional economic strategies. If economic development is listed as a primary goal in the project purpose and need, the EA or EIS should include the following elements in addition to those listed above.

- Overall effect of the project on the regional economy and compatibility with regional economic development and transportation plans.
- Agreements reached for using the transportation investment to support both public and private economic development plans.
- Opportunities to minimize or reduce impacts on established business districts by private or public means.

458.04(2) Relocation Impacts

Displacement of people and businesses to make room for a transportation project affects both the social network and the economy of a community. WSDOT follows a standard, systematic process for relocation in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. The legal requirements and relocation process are described in [Right of Way Manual](#) Chapter 12.

WSDOT Real Estate Services can develop generalized relocation data for use during the environmental documentation phase of a project. The information is developed by visual inspection of the study area and from readily available secondary and community sources. Generalized data may include:

- An estimate of the number of households to be displaced and family characteristics (minorities, income levels, age, family size and owner/tenant status).
- An estimate of the divisive or disruptive effect of relocations on the community, such as separation of residences from community facilities or separation of neighborhoods.
- An estimate of the impact on the families likely to be displaced.
- An estimate of the number of businesses to be displaced and the general effect of the dislocation on the community's economy.
- A general description of the housing available for sale in the area and the ability of WSDOT to provide replacement housing for the type of families likely to be displaced.
- A general description of special relocation advisory services that will be necessary for identified unusual conditions.
- A description of the actions proposed to remedy insufficient replacement housing, including housing of last resort.
- A description of the types of transportation (all modes) used by those being relocated to reduce a decrease in their mobility.
- Results of consultation with local officials, social agencies and community groups regarding the impacts on the affected community.

Parcel specific information, such as the names and addresses of potential displacements, is not available at this stage of the process and should not be included in the environmental document. However, the social and community effects analysis must give the number and type of businesses that are impacted and in addition to the race/ethnicity of the business owner and employees. The relocation information should be summarized in sufficient detail to adequately explain the relocation situation, anticipated problems, and proposed solutions (see [Relocation Checklist](#)). Aerial exhibits showing the relationship of the proposed alignments and proposed right of way boundaries to parcel boundaries clearly identifies possible impacts. A table identifying parcels, value, and generated tax revenue may assist in identifying the magnitude of the impacts. The environmental document must include a statement that:

- The acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- Relocation resources are available to all people being relocated without discrimination in compliance with WSDOT's Limited English Proficiency Plan.

Coordination with local governments, organizations and affected parties to reduce relocation impacts is encouraged by FHWA for large projects with a substantial number of displacements. The environmental document should explain the process used and how affected parties helped develop options to minimize adverse effects in the environmental document.

458.04(3) **Public Services and Utilities**

Public services include schools, churches, community centers, day care facilities, hospitals, nursing homes, medical and dental clinics, fire stations, police stations, cemeteries, and social service providers. Utilities include publicly and privately owned electric power, gas, oil and petroleum products, steam, chemicals, communication, cable television, water, sewage, drainage (other than those used for highway drainage), irrigation, fire or police signal systems, and similar lines.

Transportation projects have both negative and positive effects on public services. Often there are short-term impacts on public services and utilities during construction. In some cases a project impacts a community's access to essential services, which may result in equity impacts. Public services and utilities often benefit from transportation projects through improved access or travel time. Under SEPA, impacts to public services and utilities are considered as part of the analysis of a project's effect on the built environment. Under FHWA's NEPA implementing regulations, impacts to public services and utilities are considered in the Social and Community Effects Analysis.

At a minimum the analysis should identify public services and utilities within one-half mile of the project center line and:

- Document direct impacts due to right of way acquisition.
- Describe anticipated changes in emergency service response times based on changes in travel time or access. Discuss positive and negative effects based on the project's traffic analysis.
- Determine if the anticipated changes in service demand are consistent with adopted comprehensive plans (for public services and utilities) based on the project's anticipated residential and/or commercial relocations.
- Describe potential utility relocations (temporary and permanent) for each alternative and their anticipated short-term and long-term impacts.
- Describe how short-term (construction) impacts will be addressed (public outreach, notification of power cuts, detours, delay of emergency response etc.).

Both long- and short-term impacts should be considered for all of the alternatives including the no-build. These impacts may include relocation or in place accommodation of utility lines, service outages, or delayed response time of emergency services due to detours. If an EJ population has been identified in the study area, access to public services and utilities should be included in the determination of "disproportionately high and adverse impacts."

WSDOT project environmental documentation and permitting may include an analysis and discussion of utility impacts. Inclusion of the utility in the project permitting documentation avoids delays to the project schedule by eliminating difficulties the utility may encounter when acquiring separate environmental permitting. [Utilities Manual](#) Section 600.09(4) provides for guidance, procedure, and a discussion of the advantages and disadvantages of including utility relocation impacts in the project's environmental documentation and permits.

458.05 Public Involvement Requirements

Presidential Executive Order 12898 and Title VI of the Civil Rights Act of 1964 require WSDOT “to promote nondiscrimination” to the “greatest extent allowed by the law”. This includes equal access to information and an equal opportunity to participate in the decision making process. WSDOT tracks its performance with this requirement and submits an annual report to FHWA documenting efforts to engage all persons, regardless of color, race, gender, age, income, disability, or national origin. See the WSDOT [Community Engagement Plan](#) for considerations to make during your outreach.

The Community Engagement Plan for transportation projects should meet the needs of all of the populations affected by the project. Tailor outreach techniques to reach the EJ, low income, and LEP populations in your study area. Document what you did and how public input affected the project design. Detailed guidance for how to write a public involvement plan is available from the WSDOT Communications Office, and is available to WSDOT employees.

Public involvement is a critical element of the Social and Community Effects analysis. It is used to scope the social analysis, evaluate the effect of alternatives on the community, and develop mitigation. WSDOT’s commitment to inclusive community engagement should be carefully considered during project development. WSDOT’s strategic plan contains policy direction on developing and maintaining stakeholder relationships, both traditional and with under-represented, under-served communities. The goal is to engage stakeholders before, during and after projects, and in general outreach. See [Section 458.07](#) for a detailed discussion.

More than any other discipline, the social analysis relies on interaction with the affected communities. The analysis should focus on issues of the most concern to the people who live, work, and play in the vicinity of the project. Public outreach can be used to:

- Collect descriptive information about the community, including identification of EJ issues and populations with Limited English Proficiency (LEP).
- Identify key issues for analysis to support scope and budget decisions.
- Explain WSDOT efforts to avoid and minimize adverse effect and collect public perception of a project’s impact (or lack of impact) to the social network.
- Collect public input on project design and mitigation and demonstrate WSDOT response to community concerns.
- Demonstrate and document compliance with Federal requirements for public input into the decision making process.

458.06 Coordination with Tribal Governments

Native Americans are designated as a minority population under the Civil Rights Act. They are also protected under the Environmental Justice Executive Order ([Presidential Executive Order 12898](#)). Section 4-401 of the executive order requires consideration of the potential human health risks associated with the consumption of pollutant bearing fish or wildlife. In compliance with this requirement, WSDOT policy is to use the tribe's consultation area maps to evaluate a project's potential effect on natural resources. The maps are available on the WSDOT Environmental GIS Workbench.

WSDOT policy requires staff to follow the [Model Comprehensive Tribal Consultation Process](#) when working with tribal governments. Contact the [WSDOT Tribal Liaison Office](#) for assistance.

458.07 Completing a Social and Community Effects Analysis

The following WSDOT web pages contain tasks, procedures, checklists, resources, and examples to support the policy guidance in this chapter.

- For Environmental Justice analysis and demographic data - [Environmental Justice](#) web page.
- For Social and, Economic Analysis - [Social and community effects](#) web page.
- For LEP – [Limited English Proficiency](#) web page.

Find additional guidance at FHWA [Technical Advisory T 6640.8A](#), *Guidance for Preparing and Processing Environmental and Section 4(f) Documents* (October 30, 1987).

458.08 Non-Road Project Requirements

For Washington State Ferries (WSF) or other transit projects with Federal Transit Administration (FTA) as the federal lead, refer to the [FTA Circular](#) and their [website](#) for guidance on Environmental Justice.

458.09 Links to Social Analysis Statutes and Regulations

- National Environmental Policy Act (NEPA), [42 USC 4321](#) and Federal implementing regulations [23 CFR 771](#) (FHWA) and [40 CFR 1500-1508](#) (CEQ).
- State Environmental Policy Act (SEPA), [RCW 43.21C](#). State SEPA Rules are codified in [WAC 197-11](#). WSDOT's agency SEPA Procedures are in [WAC 468-12](#).
- [Title VI of the Civil Rights Act of 1964](#) as amended in 1987.
- [Section 504](#) of the Rehabilitation Act of 1973.
- [Uniform Relocation Assistance and Real Property Acquisition Policies Act](#) of 1970 (as amended). See [49 CFR 24](#) for USDOT implementing regulations.
- [Title II of the Americans with Disabilities Act](#) (ADA) of 1990.
- [The Age Discrimination Act of 1975](#).
- Environmental Justice Presidential [Executive Order 12898](#).
- Limited English Proficiency Presidential [Executive Order 13166](#).

- Tribal Government Tribal considerations are also addressed under both [Section 4\(f\), 49 USC 303](#) and Section 106 of National Historic Preservation Act 16 USC 470f.
- [RCW 8.26 Relocation assistance – real property acquisition policy](#) and [WAC 468-100 Uniform relocation assistance and real property acquisition](#).
- [Governor’s Executive Order 93-07 Affirming Commitment to Diversity and Equity in the Service Delivery and the Communities of the State \(1993\)](#).
- Department of Transportation ([DOT](#)) [Order 5610.2\(a\)](#), Final DOT Environmental Justice Order, issued May 2, 2012.
- Secretary’s EO [E 1018.02 Environmental Policy Statement](#).

458.10 Abbreviations and Acronyms

Abbreviations and acronyms used in this chapter are listed below.

ADA	Americans with Disabilities Act
CEP	Community Engagement Plan
CSS	Context Sensitive Solutions
CFR	Code of Federal Regulations
EJ	Environmental Justice
FHWA	Federal Highway Administration
LEP	Limited English Proficiency
RCW	Revised Code of Washington
Title VI	Title VI of the Civil Rights Act of 1964
WAC	Washington Administrative Code

458.11 Glossary

These definitions provide context for the Social, Economic and Environmental Justice process. Some terms may have other meanings in a different context.

Adverse Effects (Environmental Justice) – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness, or death caused by air, noise, water pollution, vibration, and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community’s economic vitality; access to public and private facilities and services.
- Adverse employment effects.
- Displacement of persons, businesses, farms, or nonprofit organizations.
- Increased traffic congestion.

- Isolation, exclusion or separation of minority or low income individuals from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.

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

Community Cohesion – The ability of people to communicate and interact with each other in ways that lead to a sense of community, as reflected in the neighborhood’s ability to function and be recognized as a singular unit.

Context Sensitive Solutions (CSS) – A collaborative, interdisciplinary approach to develop a transportation facility that fits its physical surroundings and is responsive to the community’s scenic, aesthetic, social, economic, historic, and environmental values and resources, while maintaining safety and mobility.

Disproportionately High and Adverse Effect – An adverse effect that: (a) is predominantly borne by a minority population and/or a low income population; or (b) is suffered by the minority population and/or low income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population. You need to consider cultural differences as one factor of your analysis.

Environmental Justice – Environmental justice seeks to lessen unequal distributions of environmental burdens (pollution, industrial facilities, crime, etc.), equalize benefits and balance access to nutritious food, clean air and water, parks, recreation, health care, education, transportation, safe jobs, etc., in a variety of situations. Self-determination and participation in decision making are key pieces of environmental justice. [Presidential Executive Order 12898](#) and USDOT and FHWA implementing orders set the standards for environmental justice for transportation projects.

Environmental justice means minority and low income populations do not suffer disproportionately high and adverse human health or environmental effects from agency programs, policies, and activities.

Limited English Proficient – Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000.

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

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

Minority – A person who is:

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

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

Public Service – Public services include, schools, churches, community centers, day care facilities, hospitals, nursing homes, medical and dental clinics, fire stations, police stations, cemeteries, and social service providers.

Social Effects – Any effect to the social environment including: relocation, environmental justice, community cohesion, community relations, and economic effects.

Transportation Equity - The fairness with which benefits and costs are distributed.

Utility – Privately publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, cable television, electric power, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, and other similar commodities, including fire or police signal systems, street lighting systems, and traffic control systems which directly or indirectly serve the public. See [Utilities Manual Chapter 2](#).

Utility Relocation – The adjustment or replacement of utility facilities required by a highway project, including removing and installing facilities, acquiring necessary property rights in the new location, moving or rearranging existing facilities, or changing the type of facility to provide any necessary safety and protective measures. See WSDOT [Utilities Accommodation Policy M 22-86](#).

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