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### **460.01 Introduction**

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

In 2021, this manual separated the environmental justice requirements and analysis from [Chapter 458](#) Social and community effects to clarify the role of each analysis. An Environmental justice analysis can include the information from a Social and community effects analysis but should also rely on other analyses to make an effects determination for a project.

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

New federal requirements took effect with recent Presidential Executive Orders. The federal lead agencies are working on updating their guidance and tools.

#### **Federal Environmental Justice Requirements**

The fundamental principles of environmental justice are to:

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

Presidential EO 12898 and subsequent orders direct federal agencies to address EJ in the NEPA process. The agencies must seek to avoid and mitigate, as appropriate, disproportionately high and adverse effects to low income and minorities, and Indian Tribes.

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.

Title VI has the responsibility to ensure that no person 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 Civil Rights Restoration Act from 1987 specifies that recipients of federal funds must comply with civil rights laws in all areas, not just the specific program or activity that receives federal funding. National origin coverage under Title VI was extended to LEP people through court decisions and Executive Order.

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 of residents and businesses.
- Providing equal access to information and meaningful involvement in the decision-making process regardless of race, color, income, disability, or national origin.
- Ensuring that communications with the public are inclusive of persons with limited English proficiency.
- Documenting our decision-making processes.

### **State Environmental Justice Requirements**

Under the HEAL Act, WSDOT is responsible for assessing environmental justice impacts to overburdened communities and vulnerable populations for a wider range of agency actions and activities, including development and adoption of significant legislative rules, development and adoption of new grant or loan programs, transportation grants and projects \$15 million or more, and submission of agency request legislation.

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

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

### **460.02(1) Federal**

- 42 United States Code (USC) 4321 National Environmental Policy Act of 1969 (NEPA)
- [Title VI of the Civil Rights Act of 1964](#) as amended in 1987.
- [Section 504](#) of the Rehabilitation Act of 1973.
- [Title II of the Americans with Disabilities Act \(ADA\)](#) of 1990.

- Presidential Executive Orders related to environmental justice:
  - [Executive Order 12898](#) issued February 11, 1994 - Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations.
  - [Executive Order 13985](#) issued January 20, 2021 - Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.
  - [Executive Order 14008](#) issued January 27, 2021 - Tackling the Climate Crisis at Home and Abroad (also referred to as Justice40).
  - [Executive Order 14096](#) issued dated April 21, 2023 - Revitalizing Our Nation's Commitment to Environmental Justice for All.
- Limited English Proficiency Presidential [Executive Order 13166](#).
- Consultation and Coordination with Indian Tribal Governments [Presidential Executive Order 13175](#).
- Department of Transportation (DOT) [Order 5610.2\(a\)](#), Final DOT Environmental Justice Order, issued May 2, 2012.

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

- [RCW 70A.02](#) Environmental Justice, also referred to as the Healthy Environment for All (HEAL) Act.
- Secretary's Executive Order [E 1018](#) Environmental Policy Statement.
- Governor's Executive Order [93-07](#) *Affirming Commitment to Diversity and Equity in the Service Delivery and the Communities of the State* (1993).
- Secretary's Executive Order [E 1087](#) Title VI Policy

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

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

##### **Federal Requirements**

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

Planning teams should contact the Multimodal Planning and Data Division for direction on how to address environmental justice in a planning study. If you are conducting a Planning and Environmental Linkages (PEL) study, consult with the NEPA/SEPA program and the Environmental Services Office.

##### **State Requirements**

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

## **460.03(2) Scoping**

### **Federal Requirements**

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

### **State Requirements**

Project teams should follow the procedures outlined on the [Environmental justice & Title VI](#) webpage for compliance with state law and policies. All projects are encouraged to have meaningful and inclusive project-specific community engagement with all members of the community potentially affected to better provide access to our decision-making processes. Use the [Community Engagement Needs Assessment](#) located within the WSDOT Highway Scoping Instructions to help determine the resources that will be needed and set the direction for community engagement.

If your action is subject to the HEAL Act, determine if there are any overburdened communities and vulnerable populations in the impact area using the WA Environmental Health Disparities (EHD) Map. Demographic and LEP information should also inform the project's communication strategies to reach those who may need interpretation and translation services.

## **460.03(3) Design**

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

## **460.03(4) Construction**

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

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

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

## 460.04 Analysis and documentation requirements

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

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

Our agency policy is to consider environmental justice in project development and delivery; however, the level of analysis depends on the action and its potential impacts. Project teams should determine whether the project is subject to the new state requirements in the HEAL Act (see 460.04.(3)) Project teams must use demographic data and community outreach to inform their EJ analysis. Federal agencies have new requirements stemming from EO 14008 (commonly referred to as Justice40) that have resulted in some changes to EPA's EJScreen and introduction of a new geospatial Climate and Economic Justice Screen Tool (CEJST). New requirements are expected as a result of EO 14096 which broadened the federal definition of environmental justice. It is very important that project teams refer to the [Environmental justice & Title VI](#) webpage for most up-to-date guidance.

The demographic profile should identify the existence of minority groups (by race, color, national origin) and low-income populations. 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. Use the tribe's consultation area maps available on the WSDOT Environmental GIS Workbench to evaluate a project's potential effect on natural resources.

The demographics also provides information on the percentage of the population with limited English proficiency. 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 be provided if the demographic analysis shows that five percent of the population, or 1,000 individuals within the study area, speak English 'less than "very well"'. See our [Environmental justice & Title VI](#) webpage for how to make this determination. The LEP data should inform your project's communication and outreach need for language services including interpretation and translation.

Some Categorically Excluded (CEs) projects 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.

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

1. Check our list of 'Projects Exempt from Detailed EJ Analysis' on the [Environmental justice & Title VI](#) webpage and document exemption status on the Environmental Classification Summary (ECS) form, if applicable. Attach demographic data and note any LEP populations.
2. If the project is not exempt and no EJ populations are present in the project area, attach the EJ Decision Matrix and demographic data showing the absence of an EJ population.
3. If the project has an EJ population present, but does not impact that population, attach the EJ Decision Matrix, demographic data and write to the ECS how the project will not have effects. No memo is required.
4. If the project may impact an EJ population, define project effects on EJ populations in an EJ Memo using the resources on our [Environmental justice & Title VI](#) webpage. Refer to community engagement activities to inform your determination.

Note that federal agency requirements are rapidly evolving, coordinate with the Environmental Services Office on each project's EJ compliance approach.

For EA and EIS-level projects, evaluate the project's impacts on disadvantaged communities. Examine other discipline reports or sections of EAs/EISs to understand the project's direct and indirect effects. The EJ analysis at the EIS-level should include an examination of the effects for each alternative, including the No-build. The environmental document must include a comparison of the distribution of a project's burdens and benefits by the social groups identified in the demographic analysis. The effects on these groups should be described to the extent these effects can be reasonably predicted. There is no need to be exhaustive with this comparison. Discuss impacts to the groups in proportion to the severity of the related impacts.

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.

EISs should include a Title VI disparate analysis. This analysis determines if the project is likely to have a disparate impact by comparing the least impacted group to the most impacted group in the study area. If the project team, in consultation with the federal NEPA lead, determines it will have a "disparate impact" they must either choose a "less-discriminatory alternative" or document a "substantial legitimate justification". WSDOT's procedures for a combined Title VI and EJ analysis are on the [Environmental justice & Title VI](#) webpage.

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

- Whether minority or low-income populations bear a "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.

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

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

A determination of “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.

Refer to [FTA's Title VI](#) webpage for Title VI and EJ compliance information when a project has a federal nexus with FTA. This [FTA FAQ](#) provides additional clarification on EJ analysis and requirements.

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

Our agency policy is to consider environmental justice in project development and delivery; however the level of analysis depends on the action and its potential impacts. SEPA does not contain requirements for conducting an EJ analysis. The state’s environmental justice law is known as the HEAL Act, see below.

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

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

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

- (a) Individual state transportation projects of at least \$15 million.
- (b) Individual grants or loans of at least \$15 million.
- (c) New grant or loan programs.
- (d) Agency request legislation or agency rules.
- (e) Allocation of Climate Commitment Act funds or grants.
- (f) Additional WSDOT actions to be identified by July 1, 2025.



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

Before practitioners can initiate an EJA on a proposed significant agency action, the Significant Agency Action (SAA) Team will need to make a recommendation on the proposed significant agency action to the WSDOT HEAL Act Executive Team for approval and final determination.

## 460.05 External engagement

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](#) webpage for considerations to make during your outreach.

Project teams should develop outreach and engagement strategies to reach all of the populations affected by their 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. Guidance for how to write a public involvement plan is available from the WSDOT Communications Office and is available to WSDOT employees.

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

## 460.06 Internal roles and responsibilities

### 460.06(1) *Project Engineer*

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

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.



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

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

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

Reviews all Environmental justice analyses, including methodologies and oversees the related guidance. HEAL Act agency roles and responsibilities will need to be determined in order to comply with the state environmental justice requirements set forth in [RCW 70A.02](#).

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

The WSDOT Office of Equity and Civil Rights (OECR) serves as a resource to project teams through their Title VI Liaisons who can help make connections with communities. OECR also participates in FHWA's annual review of the Environmental justice analyses done for projects Categorically Excluded from NEPA. OECR makes recommendations for improving the methods to help ensure the analyses adequately address any disproportionately high and adverse impacts to EJ communities. HEAL Act agency roles and responsibilities will need to be determined in order to comply with the state environmental justice requirements set forth in [RCW 70A.02](#).

**460.06(5) Communicator**

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

**460.07 Applicable permits and approval process****NEPA/SEPA**

There are no permits or signatory approvals associated with compliance with federal Environmental Justice requirements. Federal and state permits and approvals require satisfactory documentation of Tribal coordination and compliance with civil rights and cultural resources laws and federal environmental justice executive orders.

**HEAL Act**

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

The SAA Team has been established within WSDOT to identify the specific actions that will require an EJA. The SAA Team will recommend an initial list of actions that trigger an EJA under the new state law. Once the actions are confirmed, it will be communicated directly with the lead staff for those actions.

## 460.08 Mitigation

### NEPA/SEPA

NEPA, SEPA, the federal Environmental Justice Executive Orders, and the Secretary's Executive Order ([E 1018.03](#)) contain clear policy direction regarding the mitigation of project impacts – this includes mitigating impacts to the human environment (community mitigation) in addition to the natural environment.

If you determine that the project's effects are disproportionately high and adverse, disclose your finding in the environmental document. A finding of "disproportionate high and adverse" will not stop a project if it can be shown that the project serves a significant regional need. But such a determination requires additional analysis to demonstrate that further avoidance, minimization, mitigation, and enhancement measures are not practicable. Alternatives may be considered "not practicable" if they:

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

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

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

### HEAL Act

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

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

## 460.09 Abbreviations and acronyms

Abbreviations and acronyms used in this chapter are listed below.

ADA	Americans with Disabilities Act
CEP	Community Engagement Plan
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EJ	Environmental Justice
FHWA	Federal Highway Administration
HEAL	Healthy Environment for All Act
LEP	Limited English Proficiency
RCW	Revised Code of Washington
SAA	Significant Agency Action
Title VI	Title VI of the Civil Rights Act of 1964
WAC	Washington Administrative Code

## 460.10 Glossary

These definitions apply in the context of Environmental justice analysis. 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.

**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.

**Environmental impacts** – Environmental benefits or environmental harms, or the combination of environmental benefits and harms, resulting or expected to result from a proposed action.

**Environmental Justice (Federal Definition Presidential EO 14096 (2023))** – The just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities that affect human health and the environment so that people: (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

**Environmental Justice (State Definition)** – 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.

**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 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.

**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](#).

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

**Vulnerable populations** – Population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms and sensitivity factors, such as low birth weight and higher rates of hospitalization.

“Vulnerable populations” includes, but is not limited to:

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

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