

# CONDUCTING AN ENVIRONMENTAL JUSTICE ANALYSIS STEP BY STEP OVERVIEW

## WHAT IS THE PURPOSE OF THE STEP BY STEP?

This *Step-by-Step* provides a simple overview on how to analyze transportation planning and project development effects on minority and low-income populations. Following this process will help you to comply with Title VI of the Civil Rights Act of 1964, National Environmental Policy Act, (NEPA), and the Presidential Executive Order 12898 on Environmental Justice. For more detail refer to our [website](#).

## WHAT ARE THE BASICS?

The EJ analysis process is composed of four basic steps:

1. Conduct a demographic analysis of the Study Area. If this is a tolling project, you will need to establish a travelshed. Our [FAQs](#) on the EJ website can assist you.
2. Develop a Public Involvement Plan.
3. Determine impact(s), appropriate mitigation, and specific benefit(s) for EJ populations via public interaction with the potentially affected populations.
4. Document the EJ analysis process.

## STEP 1 – DEMOGRAPHICS

Prior to the project kick off meeting, but after the project is defined, conduct a demographic analysis of the project area, map the results, and develop public outreach based on this analysis. Identify any environmental justice (EJ) populations, and include other relevant data – e.g., limited English proficiency, transit dependency.

An EJ population includes minority populations, i.e., Asians, Blacks, Hispanic, Native Americans and Pacific Islanders; or low-income populations as defined by [Presidential Executive Order 12898](#).

## STEP 2 – PUBLIC INVOLVEMENT DEVELOPMENT

Develop and modify your outreach to meet specific public and project needs as the project proceeds through the planning, design, environmental, and construction process.

Your plan should:

- Set interaction goals and objectives.
- Identify people and organizations to be reached based on demographics and relevant information.
- Develop a strategy based on the goals and characteristics of the target audiences.
- Incorporate strategies and techniques to aid decision-making.
- Be evaluated and modified as more information is obtained from the affected populations.
- Document the public involvement process and its results.

## STEP 3 – IMPACT, MITIGATION AND BENEFITS

As you develop project alternatives, you should also be identifying potential impacts, mitigation, and benefits to potentially affected environmental justice populations. Map the affected geographic areas, and review your demographic analysis to determine if EJ populations are affected. A disproportionately high and adverse effect on minority and low-income populations means an adverse effect that:

1. Is predominately borne by a minority population and/or a low-income population; or
  2. Will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non low- income population.
-

Disproportionately high and adverse effects on minority populations or low-income populations should only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects are not “practicable.” To determine the practicability of a mitigation measure or an alternative, take into account the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects. This process should be documented.

The analysis also needs to ensure that any potential for disproportionately high and adverse effects on populations protected by Title VI and EJ will only be carried out if:

1. A substantial need for the program, policy or activity exists, based on the overall public interest; and
2. Alternatives that would have less adverse effects on protected populations and have either:
  - a) Adverse social, economic, environmental, or human health impacts that are more severe; or
  - b) Would involve increased costs of an extraordinary magnitude.

Your public involvement plan is implemented within these affected areas to obtain feedback on the alternatives, impacts, mitigation and benefits. A correlation should be made between the results of the public interaction, particularly with an adversely affected EJ population, and the proposed mitigation and benefits.

## STEP 4 – DOCUMENT THE PROCESS

The EJ analysis process is documented as follows:

- Summarize related laws, regulations and guidance,
- Define “adverse” and “disproportionate” impacts (per USDOT order.)
- Document data sources and methods for determination.
- Describe the study area and its demographics using narrative and maps,
- Summarize public involvement strategy, specifically any targeted involvement,
- Describe and map impacts, mitigation and benefits and those populations affected,
- Describe specific interactions with the affected communities or service providers and results,
- Make an EJ determination(s),
- If the determination result is high and disproportionately adverse, you should take into consideration mitigation and benefits accruing specifically or in a greater degree to the minority population or low-income population.
- If disproportionately high and adverse effects on minority populations or low-income populations cannot be avoided, minimized or mitigated, a practicability determination should be made.

The EJ analysis should be done concurrently and slightly after preparation of other environmental documents to allow for the inclusion of any related impacts such as noise, air, relocations etc.