

Environmental Justice – Decision Matrix

Introduction

Both NEPA and SEPA emphasize efficiency in the analysis of impacts. The CEQ Guidelines require agencies to reduce excessive paperwork by discussing only briefly those issues that are not significant (40 CFR 1500.4). Impacts shall be discussed in proportion to their significance (40 CFR 1502.2). Both statutes provide for the use of categorical exclusions as a method to streamline the environmental review process where appropriate.

Not all WSDOT projects require the preparation of a full discipline report on a particular subject to adequately address project effects. We developed this decision matrix to guide report authors on when to prepare an environmental justice (EJ) discipline report versus a letter to file. For environmental justice, “disproportionately high and adverse” effects on minority and low-income populations—also known as EJ populations—need to be identified, avoided and mitigated if possible.

How do I Scale my Documentation?

Analyzing and documenting potential EJ effects can take two forms:

A discipline report should be completed when effects to EJ populations are expected or you are unsure of any effects or when the project is expected to cause public controversy. If a discipline report is necessary, you can find more detailed guidance information in the WSDOT *Environmental Procedures Manual*, Chapter 458 and the [environmental justice webpage](#). You should right size your discipline report according to level, type and intensity of effects.

If there are EJ populations in the study area but there are no effects (relocations, noise etc.) a [letter to file](#) (pdf 183k) or Environmental Review Summary (ERS)/Environmental Classification Summary (ECS) form that includes demographics along other documentation may take the place of a discipline report.

This decision matrix is designed to help you identify which form of documentation is appropriate. Using the matrix requires professional judgment. The facts of any particular project may not fit neatly within the examples given in the matrix and will require the author to use best professional judgment. Authors should consult with the appropriate WSDOT technical staff to agree on the appropriate level of documentation.

Is the Project Exempt?

The first step in using this decision matrix is to determine whether the project is exempt. The following list identifies project activities that are **unlikely** to result in disproportionately high and adverse effects on EJ populations.

Exemptions:

1. Roadway surface replacement, overlays, shoulder treatments, pavement repair, seal coating, pavement grinding, and pavement marking, that do not expand the existing wearing surface.
2. New installation, or replacement or repair of lighting, signs, signals, and other traffic control devices, informational signage/kiosks, and street furniture within **existing right of way limits**.
3. Installation, replacement, or repair of safety appurtenances including but not limited to guardrails, barriers, glare screens, rumble strips, snow and ice detectors and energy attenuators.
4. Repair or replacement of curb and gutter, sidewalks and catch basins within the same location.
5. Emergency repairs to maintain the structural integrity of a bridge or roadway and to remove landslide and rockslide material from travel lanes and shoulders.
6. Construction of turning lanes and pockets, auxiliary lanes (e.g., truck climbing, acceleration and deceleration lanes), sidewalks and shoulder widening **within existing right of way limits**.
7. Installation of bicycle and pedestrian lanes, paths and facilities **within existing right of way limits**.

If the proposed project activities meet one or more of the exemptions, no further analysis is required. Applicable exemptions must be documented on the Environmental Review Summary (ERS)/Environmental Classification Summary (ECS) form. To consider the project exempt from an EJ analysis, all aspects of a proposed project's activities must be covered by an exemption. Although it is unlikely that any of these activities could adversely affect EJ populations, it should not be ruled out.

How to Use this Decision Matrix

If a project is not exempt, work through the following decision matrix questions to help determine whether a project's effects on environmental justice populations should be documented in a right sized discipline report, a [letter to file](#) (pdf 183k) or just the Environmental Review Summary (ERS)/Environmental Classification Summary (ECS) form.

If the proposed project is not exempt, demographics data must be examined to identify EJ populations for the area of effects. The area of effects (study area) is defined as the furthest limits of potential project effects on EJ populations. If a social report is done separately, the study areas should match each other. These boundaries will likely extend further than the physical limits of the project, often ½ mile from center line.¹

If no EJ populations are located within the proposed project area of effects, document the findings, as appropriate, and provide the demographic data to support the findings.

A list of resources (Appendix A) is available to help you complete the decision matrix questions.

Decision Matrix

The decision matrix is a step-wise approach that uses a series of questions with yes or no answers to provide direction. Normally, the matrix is applied at the start of a project during scoping. Since many projects change over the course of the design process, it is important to occasionally re-evaluate the answers to these questions. Public controversy or cumulative effects could make a discipline report rather than a letter to file appropriate, even if other effects are minor.

1. **Environmental Justice Populations.** Are any EJ populations present within the proposed limits of the project's effects?

To answer: Use our [demographic guidance](#) (pdf 25k) if needed, to obtain and examine census block group data.

Yes – Document findings and proceed to question 2.

No – Document findings on the ERS/ECS, include demographic analysis, and no further analysis is required.

2. **Property Acquisition and Relocation.** Will the proposed project result in any right-of-way acquisition or relocate residences, businesses, or community services? It is important for the author(s) to wait until some amount of preliminary engineering and design (30 percent if possible) is complete before determining the effects of project acquisitions and relocations.

Yes – Document findings and proceed to question 3.

No – Document findings and proceed to question 4.

¹ An exception to this is a project that involves tolling. For a tolling project, you need to establish a travelshed as well as a study area. The purpose of a travelshed is to identify the users of the facility so you can identify the effects on them. For more information see “for the analyst” section in our FAQs on the WSDOT EJ webpage.

3. Could the proposed project right-of-way acquisitions or relocations result in disproportionately high and adverse effects on EJ populations?

To answer: Consider all potential effects to EJ populations in the analysis. Review the [FAQs](#) on our website for help.

Yes – Prepare a discipline report.

No – Document findings and proceed to question 4.

4. **Property Access Changes.** Will the proposed project result in any changes in access to private property or businesses?

Yes – Document findings and proceed to question 5.

No – Document findings and proceed to question 6.

5. If existing access will change, will the proposed changes be disproportionately high and adverse on EJ populations?

To answer: Review the [FAQs](#) on our website for help.

Yes – Prepare a discipline report.

No – Document findings and proceed to question 6.

6. **Community Cohesion.** Will the project separate or isolate any EJ populations physically or functionally from the rest of the community or services?

Yes – Prepare a discipline report.

No – Document findings and proceed to question 7.

7. **Physical intrusion – noise, air quality, hazardous material, or visual.** Will the proposed project result in any noise, air quality, hazardous materials, or visual effects?

Yes – Document findings and proceed to question 8.

No – Document findings and proceed to question 9.

8. Will noise, air quality, hazardous materials, or visual effects be disproportionately high and adverse on EJ populations?

Yes – Document findings, including proposed mitigation measures, and proceed to question 9.

No – Document findings and proceed to question 9.

9. **Travel patterns.** Will the proposed project permanently change travel patterns for vehicles, commuters, transit, bicycles, and/or pedestrians?

To answer: Examine use projections and capacity, travel times, and emergency response times. Also consider how routes may change (e.g., cutting off streets, separating residents from services, etc.) and affect the ease with which community members can community services and facilities, gathering places, places of worship, schools, parks and recreation areas, or businesses.

Yes – Document findings and proceed to question 10.

No – Document findings and proceed to question 11.

10. If travel patterns will change, will the proposed changes result in disproportionately high and adverse effects on EJ populations?

Yes – Prepare a discipline report.

No – Document findings and proceed to question 11.

11. **Travel detours.** Will the proposed project result in temporary traffic detours during construction, which adversely affect travel patterns and accessibility to social services, amenities, or businesses owned by or serving EJ populations?

Yes – If the length of travel detour could substantially affect EJ populations (e.g., threaten minority-owned business viability, etc.), prepare a discipline report. If the nature or duration of a traffic detour would not substantially affect EJ populations, and there are no other effects to EJ populations, a letter to file or use of the Environmental Review Summary (ERS)/Environmental Classification Summary (ECS) form may be sufficient.

No – Document findings and proceed to question 12.

12. **Tolling.** Will the proposed project result in tolling?

Yes – Prepare a discipline report.

No – Document findings

Decision Matrix Results

If you were not prompted to prepare a discipline report as a result of working through the decision matrix, a letter to file or use of the Environmental Review Summary (ERS)/Environmental Classification Summary (ECS) form is likely the appropriate form for

documenting project effects. However, if you decide the EJ effects of the project are disproportionately high and adverse when considered in totality, or you anticipate substantial public controversy, prepare a right-sized discipline report to document project effects.

Appendix A: List of Resources

The following suggested resources are available as references and guidance during the EJ effects documentation process:

Publications/Guidelines

- *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. FHWA Order on Environmental Justice. FHWA December 2, 1998. http://www.fhwa.dot.gov/legregs/directives/orders/6640_23.htm
- *Building Projects that Build Communities*, Washington State Department of Transportation (WSDOT). http://www.wsdot.wa.gov/biz/csd/BPBC_Final/
- *Community Impact Assessment: A Quick Reference for Transportation*. Federal Highway Administration (FHWA). September 1996. http://www.ciatrans.net/CIA_Quick_Reference/Purpose.html
- *Community Impact Mitigation Case Studies* FHWA-PD-98- 024. May 1998. <http://www.ciatrans.net/Casestud.html>
- Comprehensive plans for relevant cities and counties
- *Environmental Justice: What You Should Know*. FHWA Washington Division. 2003. <http://www.fhwa.dot.gov/wadiv/CRP/ejwadv.htm>
- *Final Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations*. U.S. Department of Transportation (DOT). 1997. [subsequent to draft in Federal Register, Vol. 60, No. 125, June 29, 1995, pp.33899-33903.] signed by Secretary Pena on February 3, 1997; published in Federal Register, Vol. 62, No. 72, April 15, 1997, pp. 18377-18381. Officially formatted into DOT Order 5610.2.
- *Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis*. EPA. 1998. <http://www.epa.gov/compliance/>
- *Flexibility in Highway Design*. FHWA-PD-97-062. FHWA, July 1997. <http://www.fhwa.dot.gov/environment/flex/>
- *Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Review* Environmental Protection Agency (EPA). April 1994.
- *Guidance for Preparing and Processing Environmental and Section 4(F) Documents* FHWA Technical Advisory T6640.8A. October 30, 1987, effective November 27, 1987. <http://www.fhwa.dot.gov/legregs/directives/techadvs/t664008a.htm>

- *Guide to Best Practices for Achieving Context Sensitive Solutions.* (NCHRP) National Cooperative Highway Research Program, Report 480A,.
http://gulliver.trb.org/publications/nchrp/nchrp_rpt_480a.pdf
- Housing authorities for relevant cities and counties.
- *Policies and Procedures Affecting American Indians, Alaskan Natives, and Tribes.* U.S. DOT Order 5301, November 16, 1999 <http://isddc.dot.gov/OLPFiles/OST/009273.pdf>
- *Public Involvement Techniques for Transportation Decision-Making.* FHWA/ Federal Transit Authority (FTA). September 1996.
- *Transportation & Environmental Justice Case Studies.* FHWA/FTA. December 2000.
- *Transportation & Environmental Justice Effective Practices.* FHWA/FTA. January 2002.
- WSDOT Environmental Procedures Manual, Chapter 458. [use latest version].
<http://www.wsdot.wa.gov/publications/manuals/fulltext/M31-11/458.pdf>

Web Sites

- African American Yearbook: www.africanamericanyearbook.com
- American Community Survey: <http://www.census.gov/acs/www/>
- Child Nutrition Program, Office of Superintendent of Public Instruction. Available at <http://www.k12.wa.us/ChildNutrition/default.aspx>
- Ethnic & Special Audience Newspapers in Pacific Northwest:
<http://db.lib.washington.edu/press/>
- FHWA Environmental Justice website: <http://www.fhwa.dot.gov/environment/ej2.htm>
- HHS (US Department of Health and Human Services). The latest HHS poverty guidelines. <http://aspe.hhs.gov/poverty/>
- Hispanic Yearbook: <http://hispanicyearbook.com/>
- Governor's Office of Indian Affairs, WA State: <http://www.goia.wa.gov>
- National Center for Educational Statistics: <http://nces.ed.gov/ccd/schoolsearch/>
Demographics by school, and free and reduced price meals program information by county and school.
- TIGER files: <http://www.census.gov/geo/www/tiger/index.html>
Census maps
- U.S. Census Bureau: <http://www.census.gov/>

- U.S. Census 1990 and 2000: <http://factfinder.census.gov/servlet/BasicFactsServlet>
Basic facts and data sets by county, census tract, block groups, etc.
- U.S. Department of Agriculture: <http://www.usda.gov/wps/portal/usdahome>
- U.S. Department of Housing and Urban Development:
<http://www.hud.gov/apps/section8/index.cfm>
Section 8 housing information by county.
- Washington State Commission on African American Affairs: <http://www.caa.wa.gov/>
- Washington State Commission on Asian Pacific American Affairs:
<http://www.capaa.wa.gov>
- Washington State Commission on Hispanic Affairs: <http://www.cha.wa.gov/>
- Washington State Housing Finance Commission:
<http://www.wshfc.org/property/property.asp>

Provides search for operating Low Income and multifamily rental properties including related links.
- WSDOT Context Sensitive Solutions: <http://www.wsdot.wa.gov/biz/csd/>
- WSDOT environmental justice website:
<http://www.wsdot.wa.gov/Environment/EJ/EnviroJustice.htm>
- WSDOT Tribal Liaison website: <http://www.wsdot.wa.gov/tribal/default.htm>