Chapter 458 Social and Community Effects

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. The analysis includes economic, health, and demographic considerations. Section 109(h) of the Federal Aid Highway Act requires an assessment of the “social, economic, and environmental impacts” under NEPA. The state SEPA policy, identified the need for agencies to consider how best to “foster and promote the general welfare, ... and fulfill the social, economic, and other requirements of present and future generations” when taking actions.

Nondiscrimination requirements of: Title VI of the Civil Rights Act; Americans with Disabilities Act (ADA); and, the Age Discrimination Act require Washington State Department of Transportation (WSDOT) to protect the civil rights of all people affected by our projects by making a concerted effort to engage minority, low income, and Limited English Proficiency (LEP) populations in the project development process. To retain federal funding we must:

• Assure that project impacts do not discriminate against protected populations.
• Ensure 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.
• Minimize the hardship of displacement.
• Provide equal access to information and meaningful involvement in the decision making process regardless of race, color, sex, income, disability, age, or national origin.
• Provide opportunities for persons with Limited English Proficiency to participate.
• Submit an annual report assuring compliance with Title VI by documenting inclusive public involvement.
WSDOT’s policy is to follow the guidance provided in FHWA’s Technical Advisory T 6640.8A. The Social and Community Effects analysis described in this manual summarizes that 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.

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 458.06 for a detailed discussion. 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 names 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’s policies.

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 **Environmental Justice**

Environmental Justice (EJ) address the distribution of the physical, social, and economic impacts of the project. 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 458.11) to consider equity effects. The analysis should include an examination of the equity effects for each alternative, including the No-build.

Conduct an EJ analysis if the demographic analysis shows the presence of a protected social group within the study area. The USDOT Order includes the following definitions:

- **Black** – Anyone of the black racial groups of Africa.
- **Hispanic** – Anyone with Spanish cultural origin regardless of race.
- **Asian and Pacific Islander** – Anyone from the Far East, Southeast Asia, Pacific Islands, or the Indian sub-continent and native Hawaiians.
- **American Indian or Alaskan Native** – Anyone of the original peoples of North America who maintains cultural identification through tribal affiliation or community recognition.
- **Minorities** (Black, Hispanic, Asian, Pacific Islander, American Indian, or Alaskan Native).
- **Low-Income** (households of four below the federally designated poverty level as defined the U.S. Health and Human Services).

When any member of a protected group 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).

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. Analysis procedures are described on the Environmental Justice webpage. The 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.

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.
- More adverse environmental impacts occur 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.
• The project benefits do not effect protected populations to the same degree as other populations.
• The 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 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 areas, 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 Economic Effects

An economic analysis is required if the transportation project is likely to have a substantial adverse effect on a large segment of the economy, or cause the loss of more than ten percent of the permanent jobs within the study area. Projects with substantial right of way needs that displace homes or businesses and change travel patterns, travel times, parking, land use, and access control will require analysis.

If an economic analysis is required, the analysis must consider:

- 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).
- Compatibility of the project with adopted comprehensive plans and coordination with local officials and business leaders.

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”. A transportation project that sustains favorable economic investment does not trigger a need for an economic analysis, but should be discussed in the environmental document (EA/EIS). However, if economic development is listed as a primary goal in the project purpose and need, a detailed economic analysis will be required. Such an analysis must include the following elements in addition to those listed for the basic analysis.

- 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.

The economic analysis can be either qualitative or quantitative depending on the scope and complexity of the project. The analysis will require data from local comprehensive plans and the Transportation, Land Use and Visual analysis done for your project. The economic analysis also requires meaningful outreach to members of the affected business community. Professional judgment is required when estimating the severity of economic impact caused by the transportation project in light of larger economic trends.

Procedures for conducting an economic analysis can be found on the Economic Analysis section of the Social and land use effects webpage.
458.05 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 Polices 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 likely to receive displaced families.
- 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 name and location of ethnic niche business that may be impacted by the project. 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 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 relocates 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. Record the process used and how participants helped develop options to minimize adverse effects in the environmental document.

458.06 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 often impact public services and utilities by increasing the demand outside the capability of service providers, or by disrupting service. In many 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.
458.07 Public Involvement Requirements

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.

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.

458.08 Limited English Proficiency – LEP

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.

WSDOT requires that printed materials 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. 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.
- Make every effort to provide services in a timely manner when a need has been identified.
- 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.
458.09 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.

458.10 Completing a Social and Community Effects Analysis

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

- For Environmental Justice analysis and demographic data - Environmental Justice webpage.
- For Social and Economic Analysis - Social & land use effects webpage.
- For LEP – Limited English Proficiency webpage

Additional guidance may be found at FHWA Technical Advisory T 6640.8A, Guidance for Preparing and Processing Environmental and Section 4(f) Documents (October 30, 1987).

458.11 Non-Road Project Requirements

Federal agencies maintain their own unique NEPA procedures. As such each agency may have different documentation and procedural requirements for complying with NEPA. If your project has a federal nexus with more than one federal agency, it is critically important to meet with the federal lead agencies and determine how to proceed. In some cases the federal agencies may agree to co-lead the NEPA process. In others, one agency may serve as lead and the other as a cooperating agency. This decision needs to be made very early in the process to ensure timely approval of your environmental document. The exact requirements will vary depending on the nature of the project, federal permits and approvals required, and individual circumstances. Common examples of projects that require coordination with more than one federal agency are:

- An FHWA funded project that crosses National Forest Lands.
- A project that receives FHWA and FTA funding.
- Any highway project involving FRA or FAA.
- An FHWA funded project that requires an Army Corps of Engineers individual permit.
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458.12 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 II of the Americans with Disabilities Act (ADA) of 1990.
- Environmental Justice Presidential Executive Order 12898.
- 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).
- Secretary’s EO E 1018.02 Environmental Policy Statement

458.13 Abbreviations and Acronyms

Abbreviations and acronyms used in this chapter are listed below.

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<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
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<tr>
<td>ADA</td>
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<td>CEP</td>
<td>Community Engagement Plan</td>
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<td>CSS</td>
<td>Context Sensitive Solutions</td>
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<td>CFR</td>
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<td>EJ</td>
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<td>FHWA</td>
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<td>LEP</td>
<td>Limited English Proficiency</td>
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<td>RCW</td>
<td>Revised Code of Washington</td>
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<td>Title VI</td>
<td>Title VI of the Civil Rights Act of 1964</td>
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<td>WAC</td>
<td>Washington Administrative Code</td>
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458.14 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.

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.