

Environmental Justice and KYTC Projects

Executive Order 12898

- *"Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."*

New Concerns?

- Executive Order 12898 (Feb. 16, 1994)
- USDOT 5610.2 Order To Address Environmental Justice in Minority Populations and Low-Income Populations (April 15, 1997)
- FHWA 6640.23; Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Dec. 2, 1998)
- EJ MOU (Aug. 4, 2011)
- USDOT Environmental Justice Strategy (Mar. 2, 2012)
- USDOT Order 5610.2(a); Final DOT Environmental Justice Order (May 2, 2012)
- FHWA Order 6640.23A FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (June 14, 2012)

Three Fundamental Principles

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

Disproportionately High and Adverse Effect

- (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.

Considering Adverse Effects

- **Mitigation and enhancements** measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account
- “...will only be carried out **if further mitigation measures or alternatives** that would avoid or reduce the disproportionately high and adverse effect **are not practicable**”

KYTC EJ Policy 2011

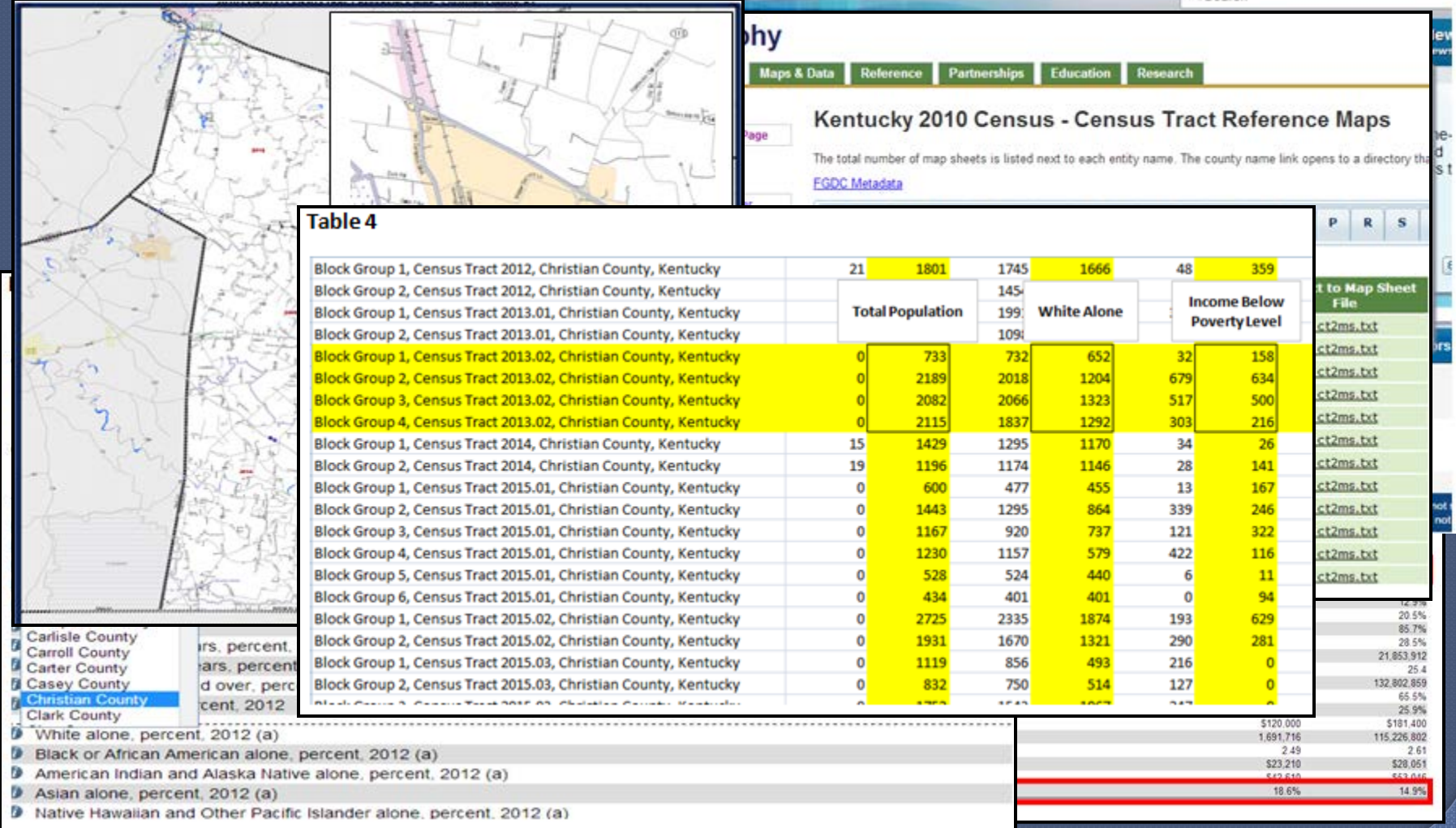
- ◉ Designed for small projects (CE)
- ◉ Survey of relocatees
- ◉ Analysis of data received
- ◉ Effort to contact non-respondents
- ◉ FHWA consultation required if any underserved populations potentially adversely affected

2014 EJ Guidance

- Does not supersede but “enhances” 2011 guidance
- Objectives
 - Consistency of data collection and assessment
 - Reduce requirements to survey non-respondents
 - Eliminate FHWA consultation requirement when adverse effects are clearly not disproportionate
- One relocatee cannot result in a disproportionate adverse effect
- Disproportionate adverse effects only if >50%

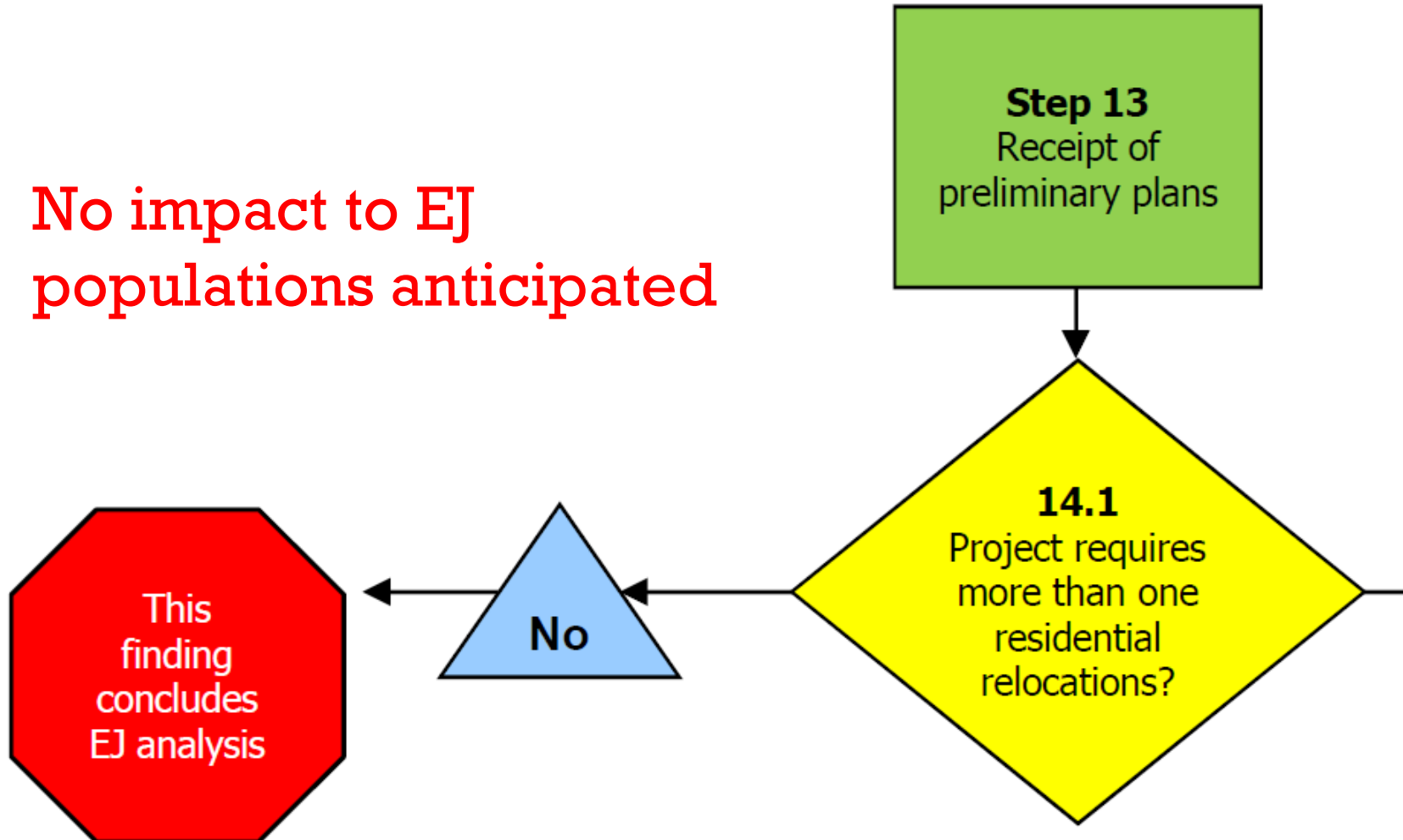
Consistency of data

Figure 1



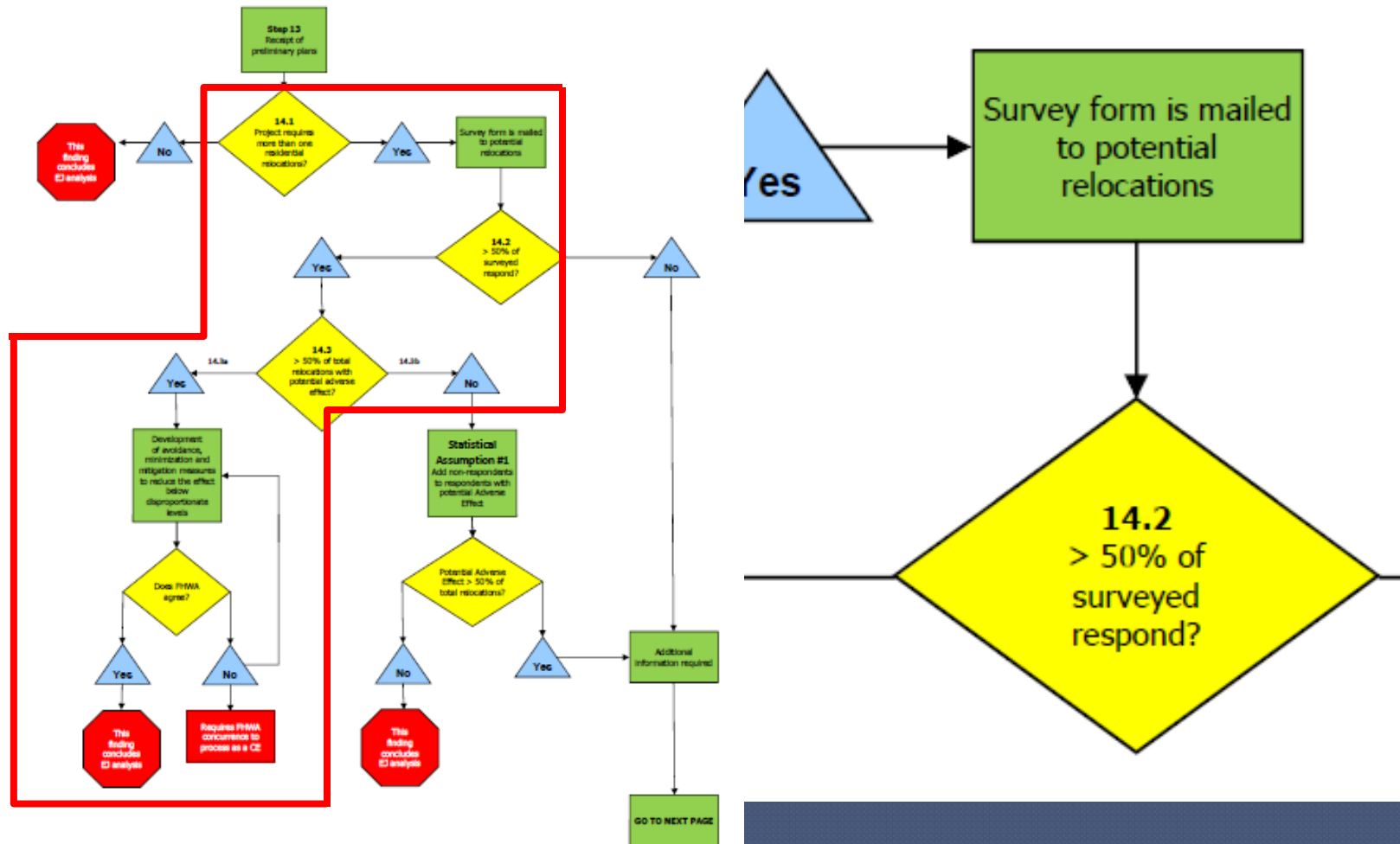
One Residential Relocation

No impact to EJ
populations anticipated

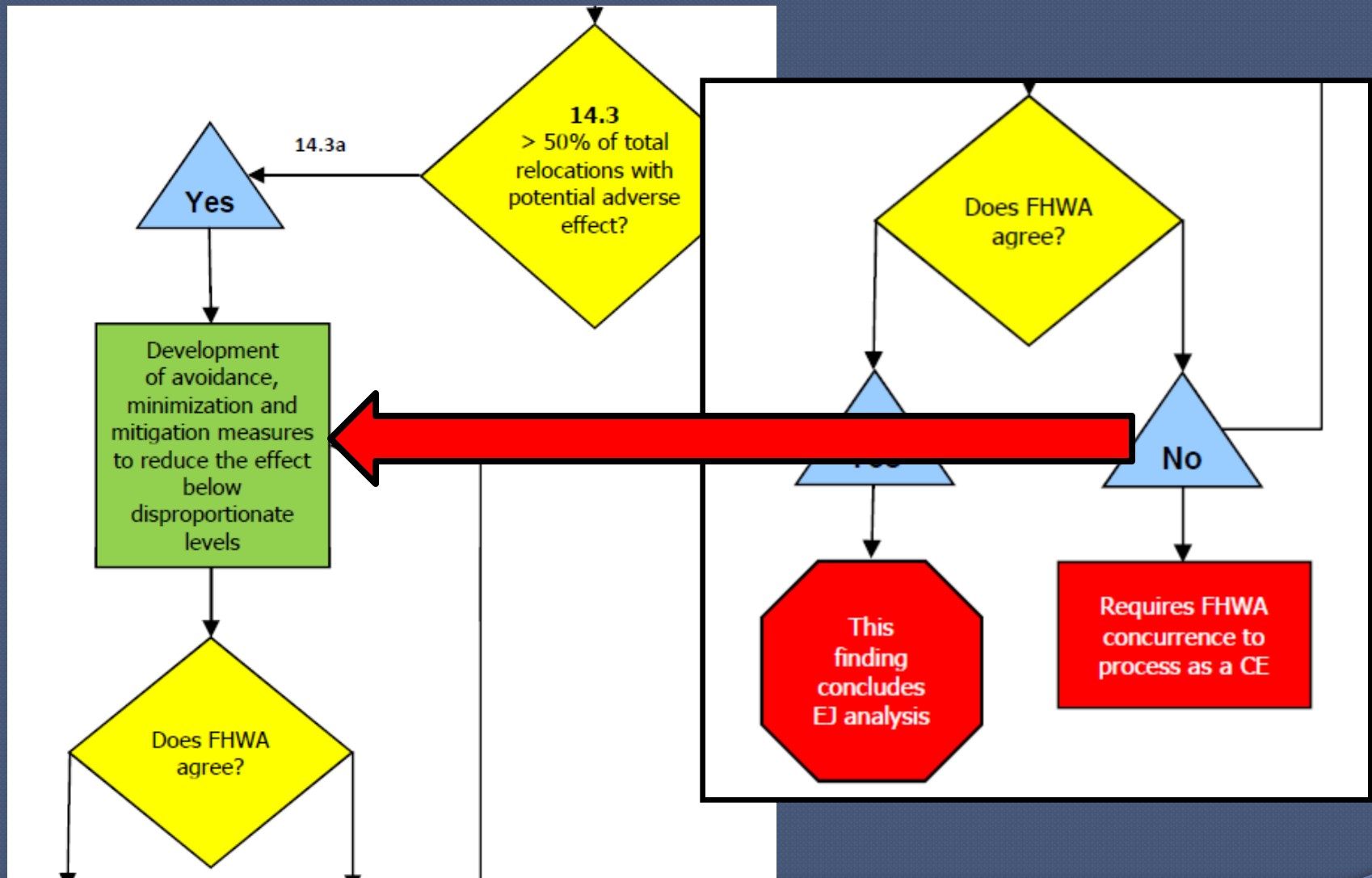


Good Response to Surveys

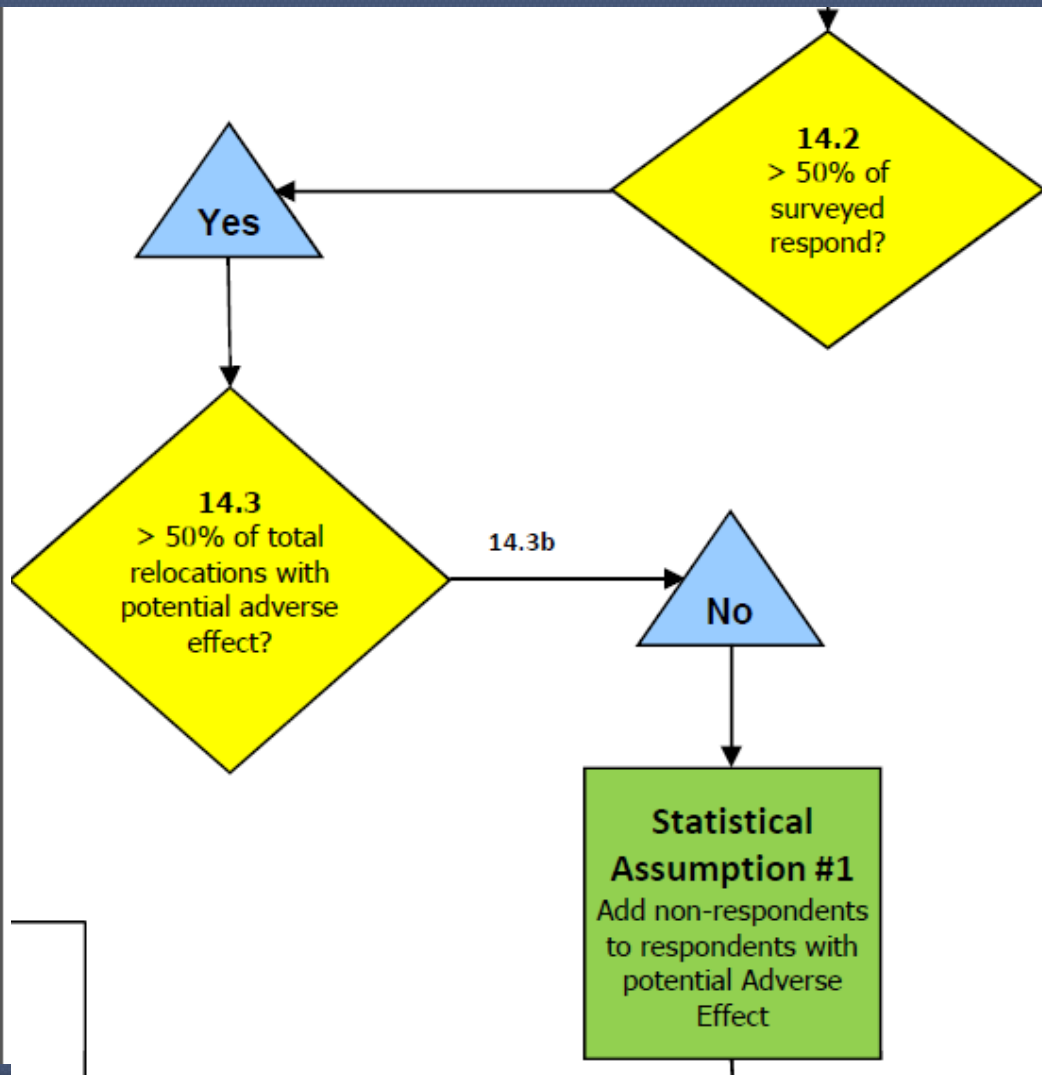
Environmental Justice Decision Tree



Addressing Adverse Effects



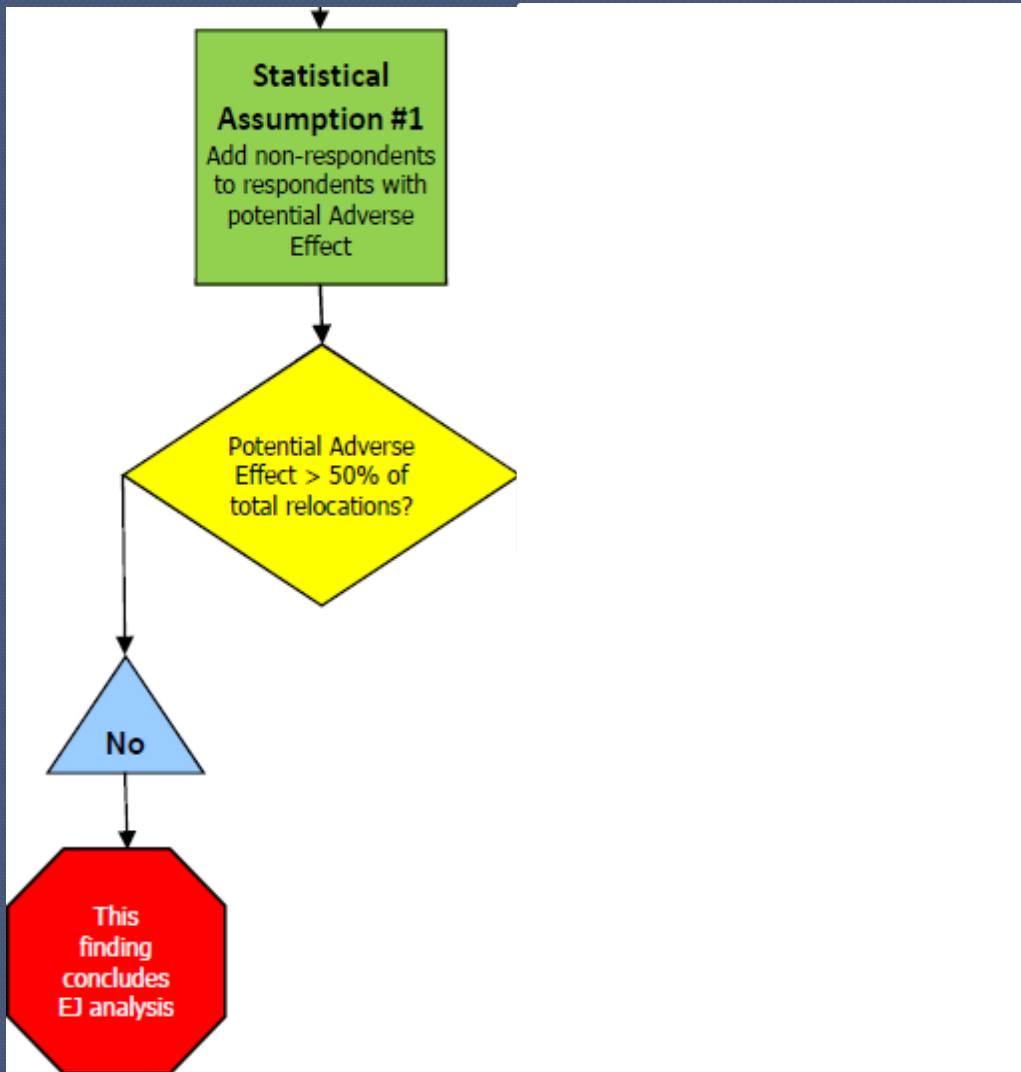
Assumption #1



Sent out 6 and received four back (>50%); one adverse

Assumption #1:
What if all non-respondents are adversely affected?

Using the Assumption

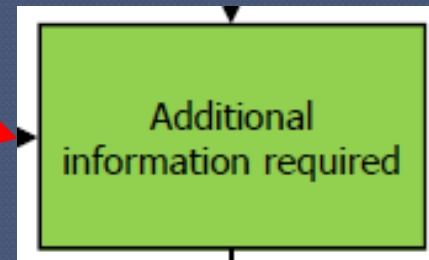
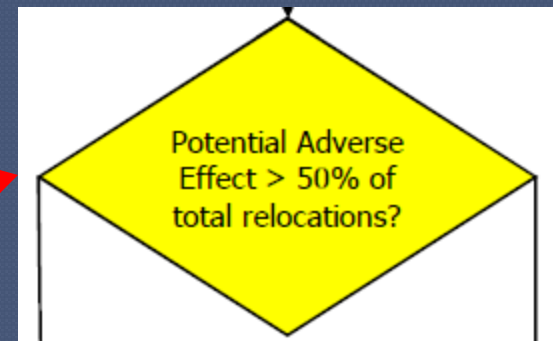
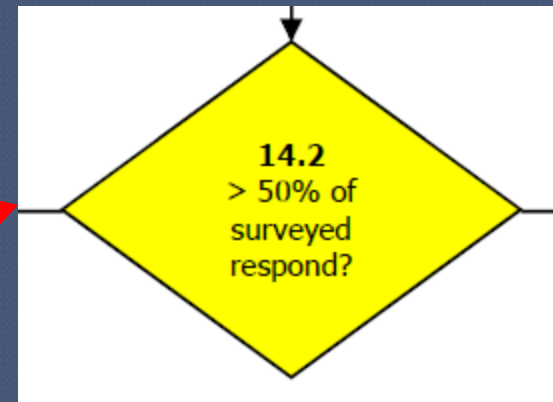
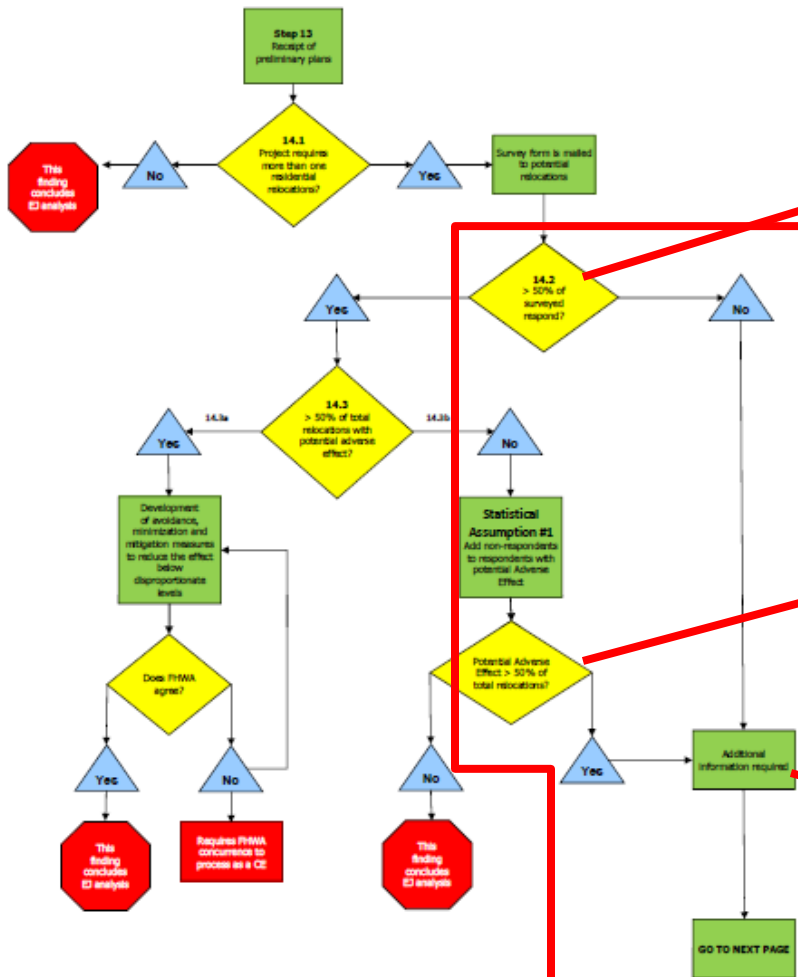


Known adverse
+
Potential adverse
 $\leq 50\%$

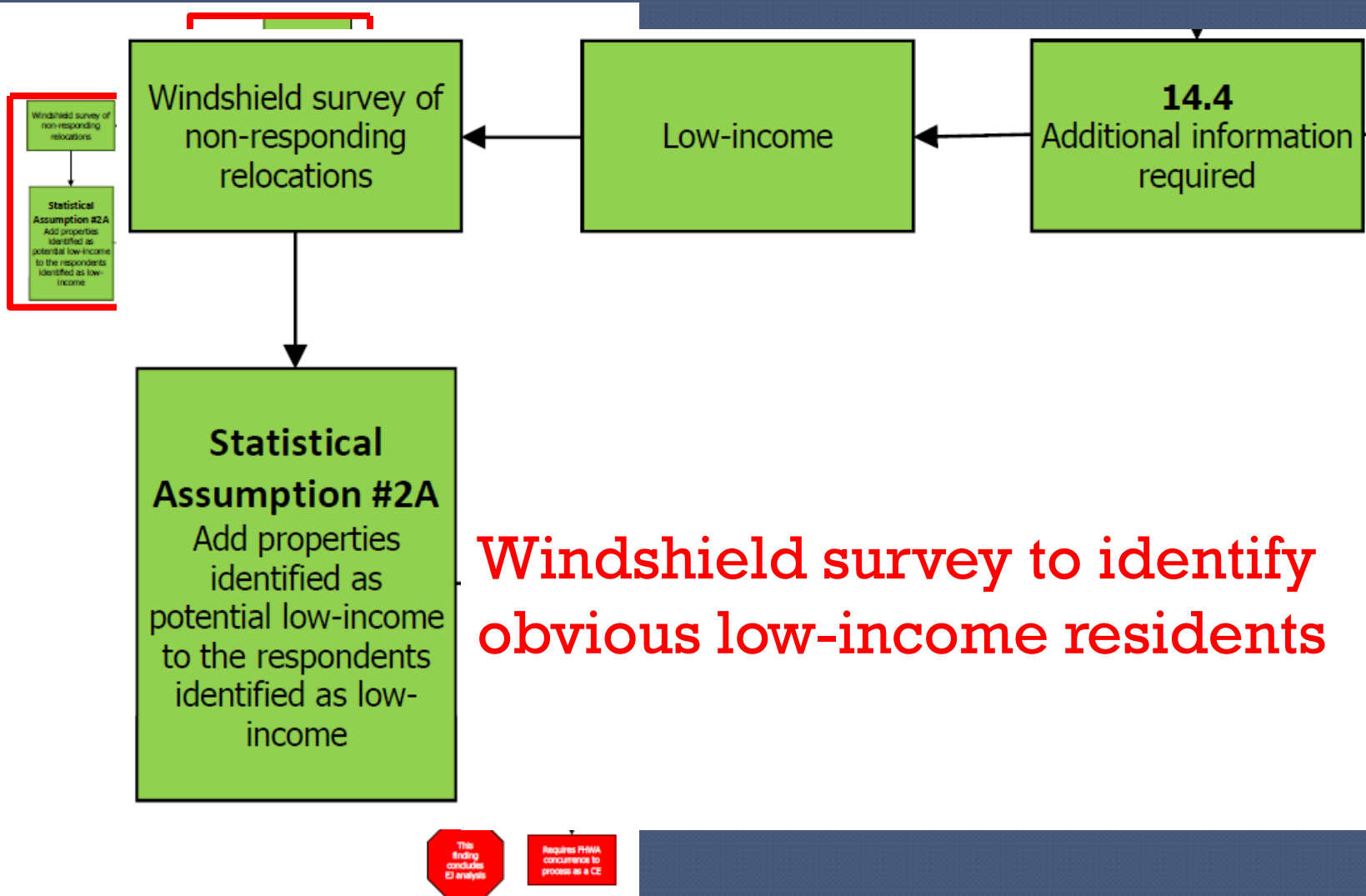
Process Complete

Additional Information

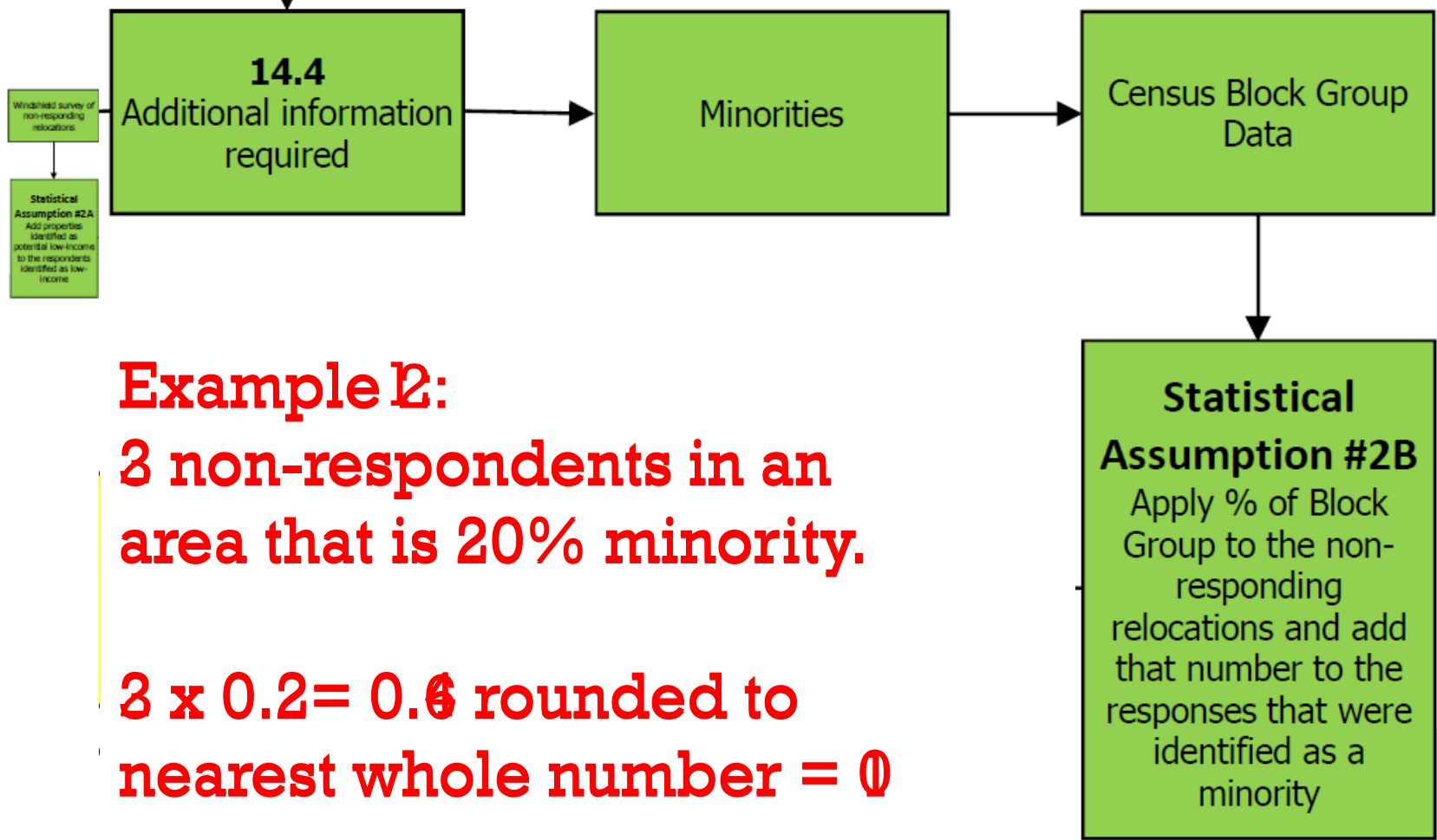
Environmental Justice Decision Tree



Low-Income Assumptions



Minority Assumptions



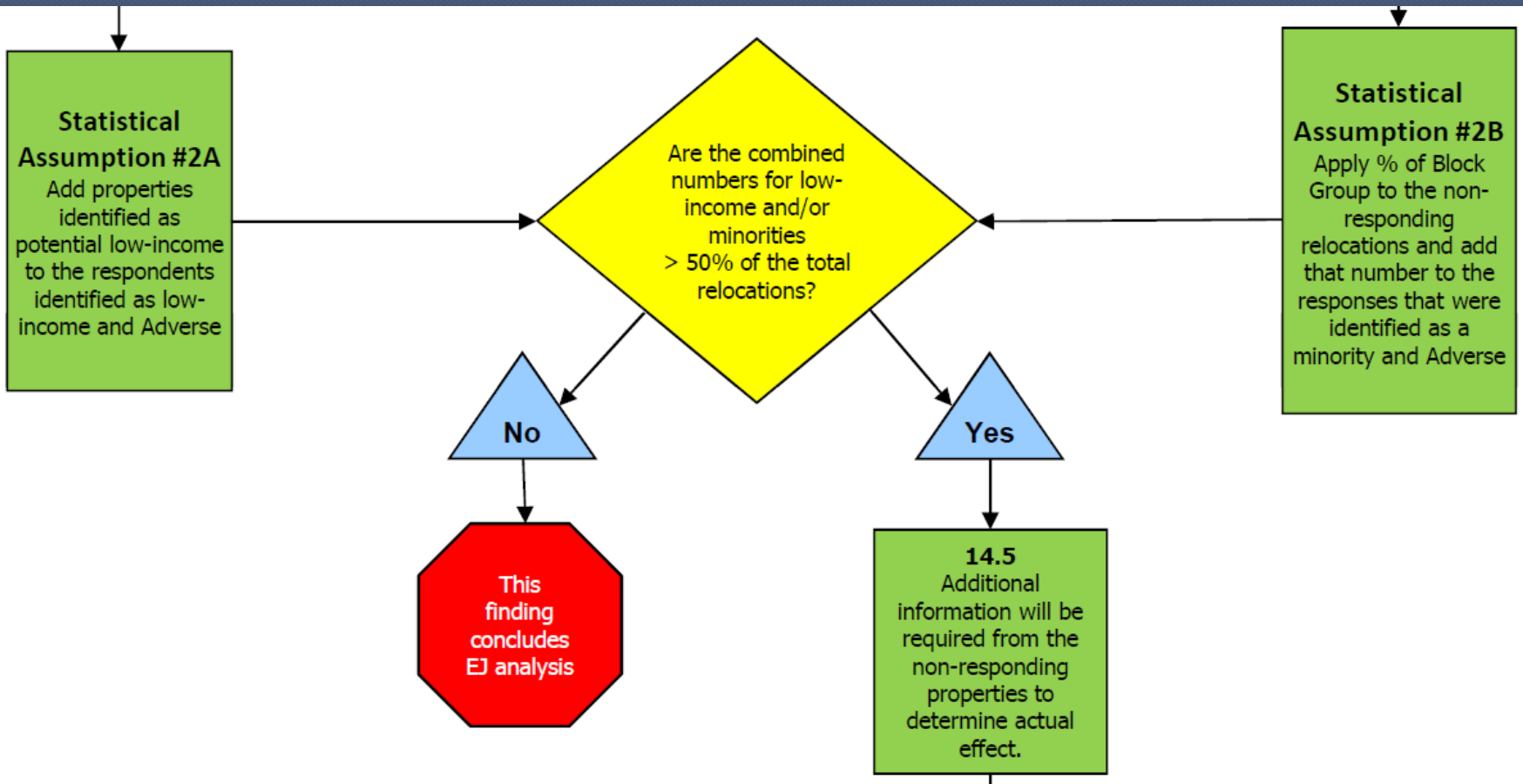
Example 2:

3 non-respondents in an area that is 20% minority.

$3 \times 0.2 = 0.6$ rounded to nearest whole number = 0

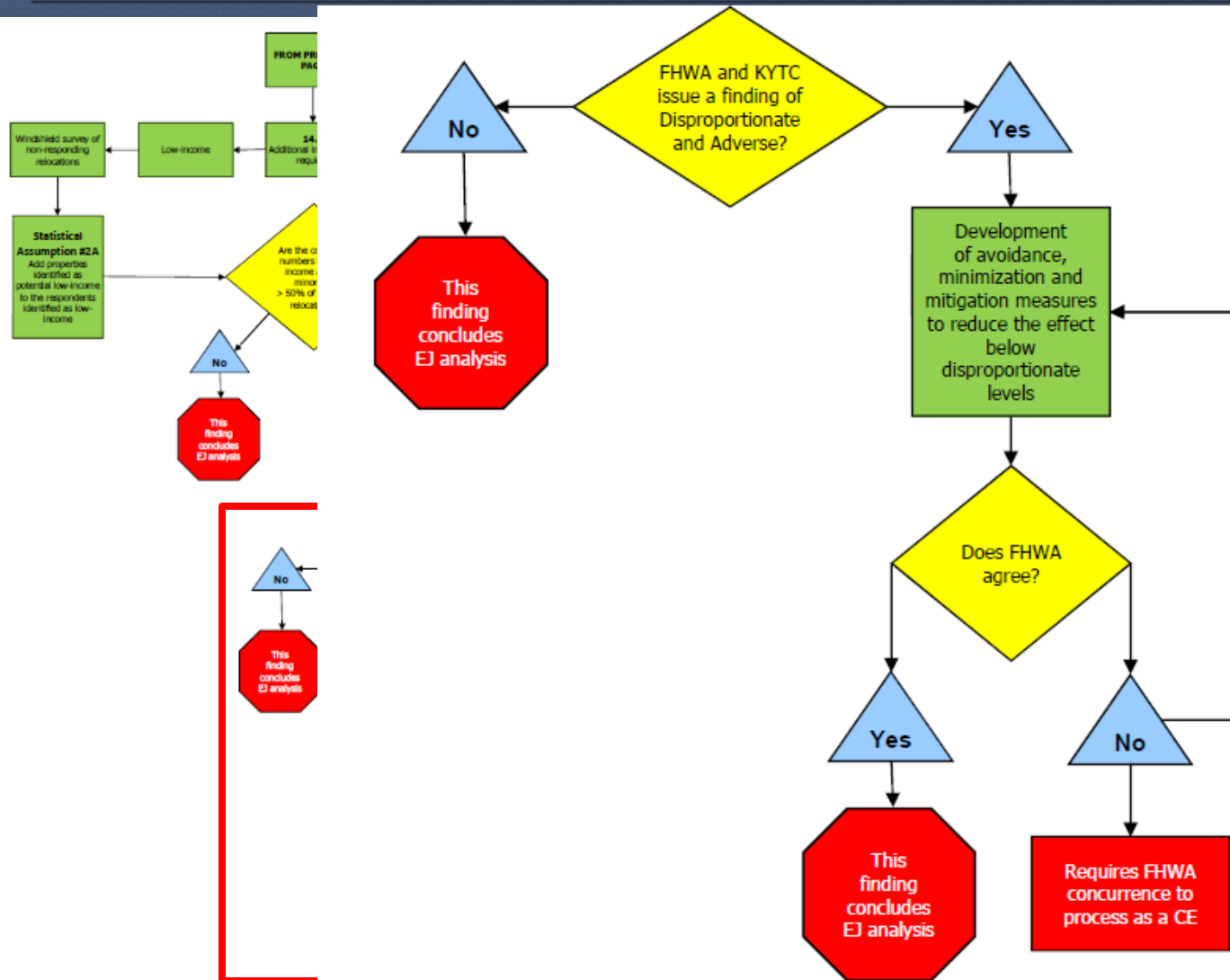


Combining Assumptions



Known adverse effects + Assumed Low-Income + Assumed Minority > 50% of total relocations?

Finding



Commercial/Retail Relocations

- Process addresses residential relocations
- If Business relocations, assessment must consider
 - Importance of activity to community
 - Unique service in area; Difficulty accessing elsewhere
 - Social gathering place
- Measures to avoid relocation or minimize effect
- Document consideration in addition to process for residential relocations

Test Drive



CLOSED COURSE. PROFESSIONAL DRIVER. DO NOT ATTEMPT.