Chapter 17 Environmental Justice

1 What is Environmental Justice?

The concept of “environmental justice” has been discussed publicly for decades, and has its roots in the civil rights movements of the 1960s and the federal Civil Rights Act of 1964. Environmental justice is an approach that is meant to avoid decisions that can have disproportionately greater negative human health and environmental effects on low income or minority communities than on the population as a whole.

With transportation projects, negative effects can include disruptions in community cohesion, restricted access, safety concerns, higher exposures to hazardous materials, raised noise levels, increased water and air pollution, and other adverse effects. Environmental justice principles also consider how projects can be developed to benefit low income or minority communities. To address both positive and potential negative effects of projects, effective environmental justice approaches emphasize ways to involve affected communities throughout a project’s development.

2 Why is Environmental Justice being addressed in this DEIS?

This DEIS has been prepared pursuant to Washington State’s State Environmental Policy Act (SEPA), which does not require analysis of environmental justice. However, existing regional and local policies support the concept of environmental justice, and many of the projects implemented...
through Transportation 2040 will need to comply with federal environmental justice regulations during their individual project-level environmental review processes. PSRC has prepared this environmental justice chapter to promote the principles of environmental justice, continue current environmental justice efforts, and facilitate any future environmental justice analysis on projects identified in the FEIS preferred alternative.

3 Which laws govern Environmental Justice analyses for environmental review?

In 1994, President Clinton issued Executive Order 12898, requiring federal agencies to incorporate environmental justice principles into planning activities.

In response, the U.S. Department of Transportation (USDOT) ordered transportation agencies to consider environmental justice in all environmental documents pursuant to NEPA.

The USDOT Order requires the following:

- Provide meaningful opportunities for public involvement by members of minority populations and low-income populations during the development of programs, policies, and activities.

- Provide the public, including members of minority and low-income populations, access to public information concerning human health or environmental impacts of programs, policies, and activities. Such information must address the concerns of minority and low-income populations for the proposed action.

Relationship of Executive Order 12898 to Title VI of the Civil Rights Act

Title VI of the Civil Rights Act of 1964 requires that “no person in the United States 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.”

Why is this DEIS required?

For more information on SEPA and the requirements of this DEIS, please refer to Chapter 2: Introduction and Background.

What is NEPA?

The National Environmental Policy Act (NEPA) is the basic national charter for protection of the environment. NEPA establishes policy, sets goals, provides means for carrying out policy, and contains provisions to ensure that federal agencies act according to the letter and spirit of the law.

Producing environmental documentation is often called the NEPA process. These procedures ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. Accurate scientific analysis, comments from expert agencies, and public scrutiny are essential to implementing NEPA.
Executive Order 12898 is a renewed focus on Title VI with respect to minority populations, and adds emphasis on low-income populations.

4 How will PSRC involve minority and low-income populations while creating the Transportation 2040 plan?

PSRC will identify target environmental justice populations, based on demographic analysis and contacts from past PSRC environmental justice outreach efforts.

PSRC will conduct roundtable discussions with environmental justice community leaders. The objective is to present the alternatives to key community leaders to stimulate an in-depth discussion of the proposed projects, programs, and funding strategies. Specifically, the discussions will examine the benefits of alternative transportation investments and how low-income and minority populations may be impacted by tolling, variable pricing, and user fees.

PSRC will also conduct group discussions with members of low-income and minority populations who depend on the regional transportation system. During these discussions, PSRC will present the regional planning process, the alternatives, and the assessed impacts. Insight and feedback will be invited on the proposed projects, programs, and funding strategies. These discussions will influence the selection of the preferred alternative in the FEIS.

The findings from these outreach efforts will be documented in the FEIS.

5 What are the demographics of the study area?

Transportation 2040 includes projects located within the four-county region that are intended to serve and benefit the entire region. Individuals residing near planned projects would likely receive the greatest impacts as well as the greatest benefits. PSRC examined census tracts within the study area in order to identify concentrations of minority and low-income individuals.
The environmental justice study area is the four-county central Puget Sound region, comprising 553 census tracts. Using the most recent available data from the 2000 U.S. Census, Exhibits 17-1, 17-2, and 17-4 through 17-15 summarize the race, ethnicity, and poverty status characteristics for the census tracts. At the regional scale, the 2000 Census information represents the best data currently available. When the projects contained in the Transportation 2040 alternatives undergo future project-level environmental review, more recent information on demographic conditions at the project level could be available to help supplement Census data. The upcoming 2010 U.S. Census will also provide updated information.

Exhibit 17-1
Minority Population Summary in 2000

<table>
<thead>
<tr>
<th>County</th>
<th>Minority (Number)</th>
<th>Minority (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>King</td>
<td>461,907</td>
<td>27</td>
</tr>
<tr>
<td>Kitsap</td>
<td>41,218</td>
<td>18</td>
</tr>
<tr>
<td>Pierce</td>
<td>167,886</td>
<td>24</td>
</tr>
<tr>
<td>Snohomish</td>
<td>100,826</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>771,837</td>
<td>24</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, 2000

Exhibit 17-1 shows the distribution of minority populations in the central Puget Sound region. Minorities, including American Indians, make up 24% of the total population in the region.

Census tracts with high concentrations of minority populations can be found throughout the region (Exhibits 17-4 through 17-7). The census tracts with the greatest percentage of minority residents are located in Bellevue, Bremerton, Burien, Des Moines, Everett, Federal Way, Kent, Lakewood, Lynnwood, Normandy Park, Renton, SeaTac, Seattle, Tacoma, and Tukwila (listed alphabetically). Because of the regional scale of this analysis, some communities with high concentrations of minority populations may not be apparent. They are more likely to be identified in project-level analyses.
As shown in Exhibit 17-2, in 1999, the regional population had 9% in the very low-income category and 12% in the low-income. Pierce County has the highest percentage in the very low-income (10%) and low-income categories (16%), followed by Kitsap County with 9% very low-income and 15% low-income.

The low-income and very low-income population (Exhibits 17-8 through 17-15) is less than 20% in most census tracts. The census tracts with the highest percentages of low-income and very low-income residents are located in Auburn, Bremerton, Des Moines, Everett, Kent, Lakewood, Seattle, Sumner, and Tacoma (listed alphabetically). Because of the regional scale of this analysis, some communities with high concentrations of low-income and very low-income populations may not be apparent. They are more likely to be identified in project-level analyses.

There are eight federally recognized tribes in the central Puget Sound region and one tribe pursuing recognition. Tribal reservations, other tribal lands, and tribal economic enterprises are an integral part of the region’s economic and environmental landscape.

There is at least one tribal sovereign nation in each of the four counties. In every case, roads on tribal lands connect to county road networks.
Many tribal enterprises are located along interstate and state highways and both contribute to roadway congestion and benefit from the regional system. At least two tribal governments operate paratransit systems that are available to the general public.

Tribal leaders hold seats on PSRC boards and are invited to participate in the discussions on growth management, economics, and transportation.

PSRC staff participates in the Tribal Transportation Planning Organization (a statewide group of tribal leaders and planners) and through its leadership has an ongoing relationship with tribal leaders.

Exhibit 17-3 depicts the location of tribal reservations and lands in the central Puget Sound region.
Exhibit 17-3. Tribal Lands in the Central Puget Sound Region

Tribal Lands (not currently federally recognized)

- Tulalip
- Port Madison Suquamish
- Muckleshoot
- Port Gamble S'Klallam
- Duwamish
- Puyallup
- Nisqually
- Sauk-Suiattle
- Snoqualmie

Tribal Lands

- Reservation

Map: "Legends.mxd" 04/29/09
Exhibit 17-4 Minority Populations by Census Tract for King County

DATA SOURCES:
Puget Sound Regional Council, Census 2000
Exhibit 17-5 Minority Populations by Census Tract for Pierce County

DATA SOURCES:
Puget Sound Regional Council, Census 2000

Minority Population Distribution
- Less than 10%
- 10% - 20%
- 20% - 25%
- 25% - 35%
- 35% - 50%
- More than 50%

Urban Growth Area
Exhibit 17-6 Minority Populations by Census Tract for Snohomish County

Snohomish

Data Sources:
Puget Sound Regional Council, Census 2000

Urban Growth Area
Minority Population Distribution
Less than 10%
10% - 20%
20% - 25%
25% - 35%
35% - 50%
More than 50%

Data Sources:
Puget Sound Regional Council, Census 2000
Exhibit 17-7 Minority Populations by Census Tract for Kitsap County

DATA SOURCES:
Puget Sound Regional Council, Census 2000

Minority Population Distribution

- Less than 10%
- 10% - 20%
- 20% - 25%
- 25% - 35%
- 35% - 50%
- More than 50%

Urban Growth Area

Seattle
Kitsap
Bremerton
Exhibit 17-8 Very Low-Income Populations by Census Tract for King County

DATA SOURCES:
Puget Sound Regional Council, Census 2000

Urban Growth Area
Very Low-Income Population Distribution
- Less than 10%
- 10% - 20%
- 20% - 25%
- 25% - 35%
- 35% - 50%
- More than 50%
Exhibit 17-9 Very Low-Income Populations by Census Tract for Pierce County

Very Low-Income Population Distribution
- Less than 10%
- 10% - 20%
- 20% - 25%
- 25% - 35%
- 35% - 50%
- More than 50%

DATA SOURCES:
Puget Sound Regional Council, Census 2000
Exhibit 17-10 Very Low-Income Populations by Census Tract for Snohomish County

Very Low-Income Population Distribution

- Less than 10%
- 10% - 20%
- 20% - 25%
- 25% - 35%
- 35% - 50%
- More than 50%

DATA SOURCES:
Puget Sound Regional Council, Census 2000
Exhibit 17-11 Very Low-Income Populations by Census Tract for Kitsap County

DATA SOURCES:

Urban Growth Area

Very Low-Income Population Distribution

- Less than 10%
- 10% - 20%
- 20% - 25%
- 25% - 35%
- 35% - 50%
- More than 50%
Exhibit 17-12. Low and Very Low-Income Populations by Census Tract for King County

Low and Very Low-Income Populations

- Less than 10%
- 10% - 20%
- 20% - 25%
- 25% - 35%
- 35% - 50%
- More than 50%

DATA SOURCES:
Puget Sound Regional Council, Census 2000

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Exhibit 17-15 Low and Very Low-Income Populations by Census Tract for Kitsap County
What is the difference between plan-level and project-level environmental review?

This DEIS is a plan-level (rather than a project-level) EIS. Accordingly, alternatives are defined and environmental effects are evaluated at a relatively broad level. More detailed project-specific environmental review will be developed as appropriate in the future for projects identified in the Transportation 2040 plan that are selected for implementation by their sponsors: WSDOT, transit agencies, counties and cities.

What effects on minority and low-income populations are common to all alternatives?

With the exception of the Baseline Alternative, all alternatives include continued expansion of transit and rideshare services, as well as projects that provide improvements for nonmotorized travel. These services, systems, and facilities provide improved mobility at a lower cost than travel by private automobile. Overall improvements to the regional system would benefit low-income and minority populations although specific benefits resulting from individual projects would vary depending on the project location. Benefits include shorter travel times and better connections to and from residential areas, employment centers, and educational, health, recreational, and community service facilities.

In other chapters, this DEIS discusses the potential impacts to the natural and built environment that could result from the Transportation 2040 plan alternatives and describes the methods that could be used to mitigate these impacts. Whether or not these impacts from individual projects would have a disproportionate impact on minority or low-income populations would be determined in future project-level environmental reviews.

How would minority and low-income populations be affected by the individual alternatives?

All of the financial strategies for the Transportation 2040 alternatives include the use of tolls to collect transportation revenue. PSRC is conducting ongoing analysis to better understand the potential effects of tolling on environmental justice populations.

One study is found in Chapter 4: Transportation—an analysis of the benefits expected from each alternative for low-income and minority populations, compared to the benefits expected for the region as a whole. The analysis found that, due to improved travel times and reliability, each action alternative would be more beneficial than the Baseline Alternative, both...
for environmental justice populations and throughout the region.

This analysis is not required by SEPA, but it does help answer the questions related to equity contained in the Policy Analysis and Criteria Evaluation Report, and it will help PSRC select a preferred alternative.

**Additional analysis of tolling effects on environmental justice populations will be included in the FEIS.**
Prior to the selection of the preferred alternative, PSRC will conduct additional analysis to determine the equity of paying for transportation using tolls versus through other funding sources such as the gas tax. The results of this work will be summarized in the FEIS.

8 **What cumulative effects on minority and low-income populations could occur if the Transportation 2040 actions coincide with other planned actions?**

The demographics discussion above reflects past and present cumulative effects on minority and/or low-income populations. Future cumulative effects on environmental justice populations could be affected by other regional plans and actions. Local jurisdictions throughout the region may revise their existing land use plans to be consistent with VISION 2040 and complement the Transportation 2040 preferred alternative. New development resulting from these plans could have both positive and negative effects on the environment.

PSRC has performed an analysis of the development pattern changes that could result from the transportation alternatives (refer to Chapter 5: Land Use, Population, Employment, and Housing) and has concluded that none of the Transportation 2040 alternatives would induce future land use and development pattern changes that are substantively different than the Baseline Alternative. In addition, all of the Transportation 2040 alternatives are consistent with the adopted VISION 2040 regional growth strategy. Therefore, none of the Transportation 2040 alternatives would result in

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**What are cumulative effects?**

The impact on the environment that results from the incremental impact of the action being considered when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

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**Criteria Evaluation Report**

For more information about the criteria being used to help select a preferred alternative, please refer to the Policy Analysis and Criteria Evaluation Report, found in Appendix D.
additional cumulative effects on environmental justice populations.

9 How can the effects on minority and low-income populations be mitigated?

The following four strategies are commonly used by transportation project sponsors to address equity concerns (Weinstein and Sciara, 2004):

▪ Conduct a highly proactive public involvement and educational campaign.

▪ Perform various equity analyses (e.g., demographic characteristics of corridor/travel shed; origin/destination studies; and existing transit options/alternative driving routes, including commitments to collect data and/or monitor effects for years into project operations).

▪ Monitor and evaluate projects to ensure equity effects are acceptable.

▪ Create revenue expenditure plans that fund beneficial projects or programs for lower-income stakeholders who would be adversely affected by the project.

In 2005, PSRC conducted workshops with minority and low-income population community leaders as part of the VISION 2040 (PSRC, 2005) environmental justice outreach. PSRC learned that participants support increased transportation funding and tolls if they are accompanied by beneficial transportation options. The participants said that increased access to transit is especially important for low-income populations, but that language barriers prevent some non-English-speaking people from using transit. When low-income people move to outlying areas to seek lower-cost housing, they often find transit services lacking.

10 Are there any significant unavoidable adverse impacts to minority and low-income populations?

Significant unavoidable adverse impacts are discussed by discipline under each element of the environment, elsewhere in
this DEIS. The additional environmental justice analysis
described in the response to Question 7 in this chapter will help
to identify whether there will be significant adverse impacts to
minority and low-income populations. The public outreach
process to minority and low-income populations described in
the response to Question 4 in this chapter will also help to
identify the most important issues for these populations. These
findings will be documented in the FEIS.