

**CDOT'S TITLE VI
And
ENVIRONMENTAL JUSTICE
GUIDELINES**

for **NEPA PROJECTS**

Rev. 3



**CDOT'S TITLE VI AND ENVIRONMENTAL JUSTICE GUIDELINES
FOR NEPA PROJECTS
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CDOT'S TITLE VI AND ENVIRONMENTAL JUSTICE GUIDELINES for NEPA PROJECTS

INTRODUCTION

This document is intended to provide clear and concise guidelines for Colorado Department of Transportation (CDOT) project staff and its consultants to incorporate Title VI and Environmental Justice mandates when undertaking the documentation requirements of the National Environmental Policy Act (NEPA). This incorporation is made pursuant to the following legal authorities:

- Title VI of the Civil Rights Act of 1964, as amended (Title VI), and;
- Presidential Executive Order 12898 (EO 12898), “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” (Environmental Justice or EJ).

The Environmental Justice Executive Order requires federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations in all its operations. This is an amplification of the non-discrimination mandate of Title VI of the Civil Rights Act of 1964. The resultant USDOT and FHWA Orders require CDOT to achieve Environmental Justice within the framework of existing laws such as NEPA in all its operations. Therefore, it is necessary for Project staff and consultants who work with NEPA to have a clear understanding of EO 12898 requirements.

WHAT IS TITLE VI?

Title VI, as amended, is a broad federal civil rights statute that, with its implementing regulations, forbids discrimination on the basis of race, color, sex, or national origin in all programs and activities of federally funded recipients such as CDOT. Its regulations apply not only to intentional discrimination, but also to policies and practices that have a discriminatory effect.

PURPOSE

These guidelines are intended to assist CDOT project staff in addressing the specific factors mandated by Title VI and EO 12898 throughout each step of the NEPA process. The guidelines apply to projects requiring all types of NEPA documentation. Because CDOT project organizational structures and management may vary across the state, these guidelines are written to discuss the roles “CDOT project staff” would take. CDOT project staff may include CDOT managers, consultants, contractors, and others responsible for the completion of the NEPA process. CDOT Regional Planning and Environmental Managers and CDOT Project Managers are ultimately responsible for implementing these guidelines in the project development process,

as well as ensuring that EJ principles are adopted throughout the construction and maintenance of CDOT projects.

The purpose of these guidelines is to:

- provide CDOT environmental and project managers and staff clear direction for an efficient, fair and equitable process to follow when determining project impacts as they relate to Environmental Justice issues;
- create a consistent and efficient CDOT program that addresses Environmental Justice issues throughout the state of Colorado;
- provide a legally compliant approach to Environmental Justice issues in transportation projects;
- provide working, hands-on tools to Project staff and consultants that highlight the methods to apply Environmental Justice requirements within the NEPA process; and
- provide information about staff within the Environmental Programs Branch and the Center for Equal Opportunity who are available to support other Project staff and consultants statewide on Environmental Justice issues.

IMPORTANT

This document serves as internal guidelines rather than a legal standard to be used by the public to determine CDOT's compliance with Title VI or Environmental Justice. The guidelines do not create any rights, benefits or trust obligations, either substantive or procedural, enforceable by any person, or entity in any court against CDOT or the State of Colorado, its agencies, officers or any other person.

REGULATORY BACKGROUND

Title VI of the Civil Rights Act of 1964, as amended, is a broad federal civil rights statute. With its implementing regulations, it forbids discrimination on the basis of race, color, sex or national origin in all programs and activities of federally funded recipients such as CDOT. Its regulations apply not only to intentional discrimination but also to policies and practices that have a discriminatory effect. As a recipient of federal funds, all of CDOT's activities, whether or not specifically funded by federal dollars, are subject to Title VI. So too are all programs and activities of other entities federally funded in whole or part through CDOT.

Executive Order 12898 is a reaffirmation of Title VI and requires CDOT to pursue Environmental Justice as part of its existing operations. For CDOT purposes this means pursuing Environmental Justice as a process. It emphasizes the incorporation of Title VI provisions into its environmental and transportation decision-making processes.

The requirements expressed in the Executive Order are intended to ensure that procedures are in place to protect low-income and minority groups that have been traditionally underserved. The fundamental principles of Environmental Justice as noted in the Executive Order are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on tribal governments, minority 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.

The table below provides a brief comparison between the Environmental Justice Executive Order and Title VI.

SIMILARITIES	DIFFERENCES
Both address non-discrimination.	The Executive Order covers minority and low-income populations, and mandates equal consideration of Native American tribes, while Title VI and its regulations cover race, color, sex, and national origin.
Both focus on minority populations.	The Executive Order is an order of the President of the U.S., while Title VI is a law (an act of Congress).
Both are rooted in the constitutional guarantee (14 th Amendment) that all citizens are created equal and are entitled to equal protection.	The Executive Order normally applies to federal agencies while Title VI is specifically applicable to all federally funded recipients. However, the Executive Order is applicable to recipient state or local agencies so directed by federal agencies such as FHWA.
Both address involvement of impacted citizens in the decision-making process through meaningful involvement and participation.	The Executive Order mandates a process, while Title VI prohibits discrimination

Below is a list of regulatory authorities that address Environmental Justice issues.

- Title VI of the Civil Rights Act of 1964, as amended
- Presidential Executive Order on Environmental Justice 12898
- Presidential Executive Order on Environmental Justice 13166
- National Environmental Policy Act of 1969
- 23 U.S.C. 140 (Non discrimination)
- 23 U.S.C. 324 (Non discrimination on basis of sex)
- Americans with Disabilities Act of 1990
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, amended 1987

- Title VI Regulations, 49 CFR 21
- Title VI Regulations, 23 CFR 200
- Environmental Impact and Related Procedures, 23 CFR 771
- DOT Order 5610.2 on Environmental Justice
- FHWA Order 6640.23 on Environmental Justice
- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
- 23 USC 109(h), Federal-Aid Highway Act of 1970
- FHWA Environmental Policy Statements 1990 and 1994

1.0 DEFINITIONS

These definitions are intended to be consistent with those that have been issued by the Council on Environmental Quality (CEQ) and the Environmental Protection Agency (EPA) for EO 12898, as well as the definitions found in FHWA order 6640.23. To the extent that these definitions vary from CEQ, EPA or FHWA definitions, they reflect further refinements deemed necessary to tailor the definitions to fit within the context of CDOT programs and activities.

Affected Area is the location that will or may be directly or indirectly impacted by the proposed project alternatives.

Affected Community means the persons served or likely to be directly or indirectly affected by a program or activity receiving CDOT financial or other funding assistance.

Complaint is a short and plain statement that claimant is a member of a low-income or minority population and on that basis is being subjected to disproportionately high and adverse human health or environmental effects of CDOT funded programs or activities and that requests a remedy. Alternatively it is a short and plain statement of a claim that claimant is subjected to exclusion from participation in, denial of benefits from, or to discrimination in a CDOT funded program or activity on the basis of race, color, gender or national origin and that requests a remedy.

Complaint Process is the detailed process defined in these Guidelines through which a member of the public or other entity submits a complaint regarding Environmental Justice issues.

Discrimination or disparate treatment means that act or failure to act, intentional or unintentional, the effect of which is that a person, because of race, color, national origin or sex has been excluded from participation in, denied the benefits of or has been otherwise subjected to unequal treatment under any CDOT program or activity, or under any activity of an entity receiving federal or CDOT financial assistance.

Disproportionately high or adverse effect is an adverse effect or impact that would be: 1) predominantly borne by minority and /or low-income population; or 2) will be suffered by the minority and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect suffered by the population that is not low-income or minority.

Effect or Impact (used interchangeably) is the 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; improvement or denigration of air, noise, and water pollution or soil contamination; enhancement, disruption, or destruction of aesthetic values, man-made or natural resources; the enhancement, destruction, or disruption of the availability of public and private facilities and services; changes in vibration and noise; changes to employment patterns in a community; displacement of persons, businesses, farms, or nonprofit organizations;

improvement, disruption or destruction of community cohesion or a community's economic vitality; increased or decreased traffic congestion, isolation, or exclusion or separation of minority or low-income individuals within an affected community or from the broader community; the improvement of, denial of, reduction in, or significant delay in the receipt of benefits of a CDOT program policy or activity.

Low-Income Threshold means a household income at or below the Department of Health and Human Services poverty guidelines. For CDOT purposes that will be generally defined as an income derived from a combination of the US Census average household data and the income thresholds set annually by the US Department of Housing and Urban Development (HUD) for identifying housing needs. HUD thresholds are developed by counties and by household size up to an eight-person household. These HUD income thresholds are developed for counties in the State of Colorado for use by the Department of Local Affairs in the allocation of Community Development Block Grant funds by HUD. The thresholds are a beginning point of analysis, and may be refined by use of more specific or locally derived data.

Low-Income Person is defined as a person whose household income represents 30 percent or less of a county's median income as established by HUD in its allocation of Community Development Block Grant Funds and calculated using the appropriate average number of household members and corresponding census data.

Low-Income Population is defined as any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be affected by a proposed CDOT program, policy or activity. A low-income population should be compared to the county or smallest relevant geographical unit to determine whether they constitute a significant low-income population for analysis of impacts.

Mitigation means to minimize, reduce, rectify or compensate for disproportionately high or adverse effects.

Minority is defined as a person who is:

- **Black** – having origins in any of the black racial groups of Africa;
- **Hispanic** – of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture of origin regardless of race;
- **Asian American** -- having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;
- **Native Hawaiian or other Pacific Islander** - having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; (Added from Colorado statute, consistent with 23 CFR 200.5)
- **American Indian and Alaskan Native** –having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition.

Minority Population means any readily identifiable group of minority persons that live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient minority persons who will be affected by a proposed CDOT action. For purposes of these guidelines tribal governments are also included in this definition of minority populations. On a project site-by-site basis, a minority population should be counted in determining whether that minority population constitutes a meaningfully greater population than the non-minority population for impact analysis.

NEPA Program Manager is the position within CDOT's Division of Transportation Development's Environmental Programs Branch charged with evaluating current procedures and establishing consistent and streamlined guidelines, procedures, and contributing to policy decisions regarding the CDOT NEPA program.

Protected population is a group of minority and/or low-income populations or tribal populations.

Significant Effect means short- or long-term, beneficial or adverse change to the existing natural or human environment that will occur as a direct or indirect result of implementing the proposed project. It requires consideration of both context and intensity. Context means significance will vary and must be analyzed within the unique context of each project site and in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity of impact. Significance may be measured by a number of overlapping factors addressed through the NEPA process as set out in more detail in the Council for Environmental Quality regulation at 40 CFR 1508.27.

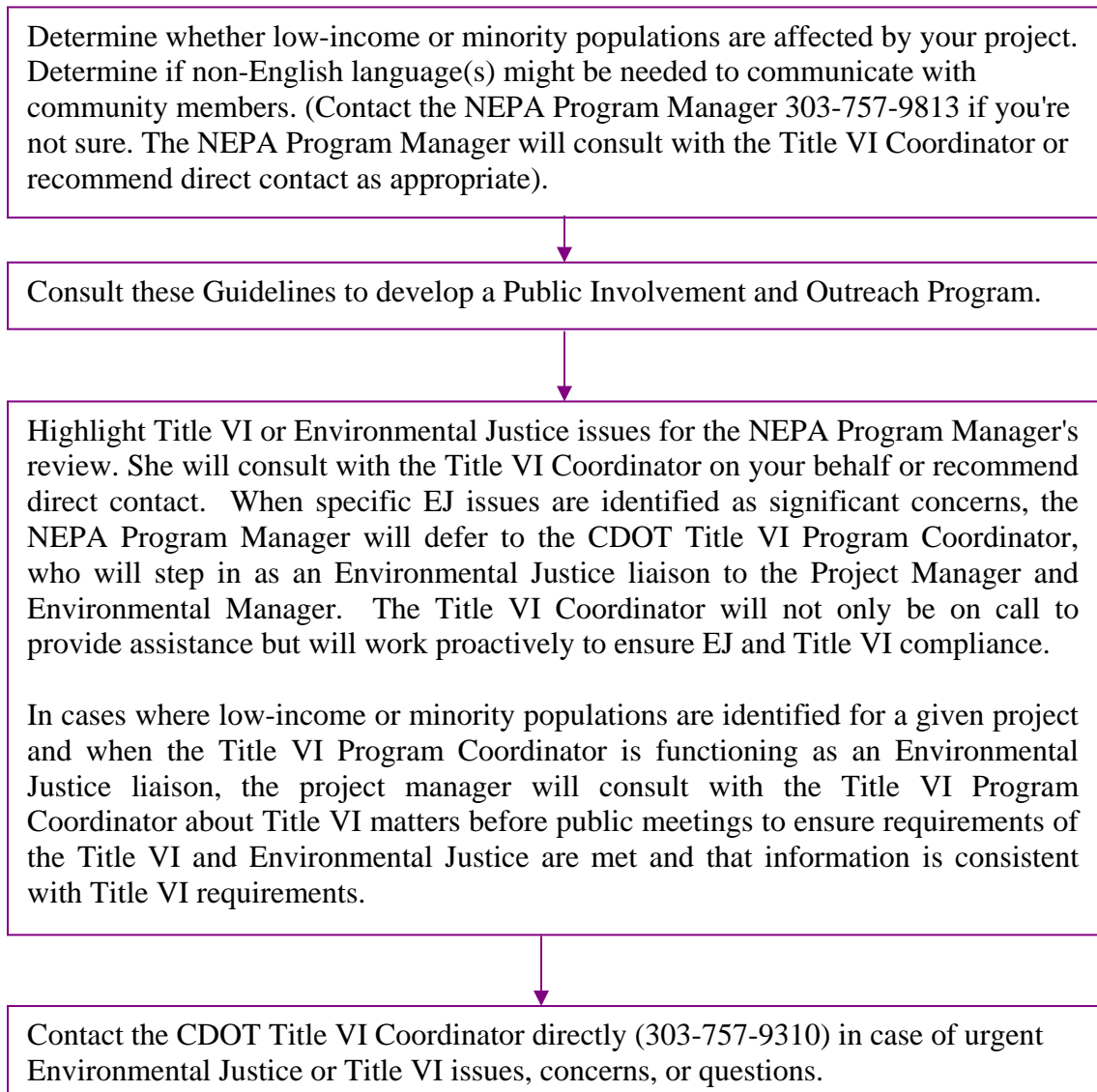
Title VI Coordinator is the position designated by the Executive Director within the CDOT's Center for Equal Opportunity charged with the lead role in Title VI policy development, interpretation of statutory and regulatory requirements and implementation of the Title VI and Environmental Justice requirements throughout CDOT.

Tribal government is defined as a federally recognized group of American Indians, Native Americans or Alaskan Natives. Tribal governments are considered referenced wherever "minority and/or low income populations" appear in this document.

2.0 INTERNAL COORDINATION

Throughout the NEPA process, the Title VI Coordinator and NEPA Program Manager are available to provide guidance as indicated in the following flow chart. The Title VI Coordinator will provide clarification to the project team on Environmental Justice/Title VI-related topics such as the definition and identification of low-income, minority populations, and disproportionately high and adverse impacts as needed. This clarification may come in the form of staff and consultant training, e-mails, newsletters, or personal consultation or other communication.

FINDING INTERNAL (CDOT) SUPPORT FOR YOUR PROJECT'S ENVIRONMENTAL JUSTICE ISSUES



3.0 THE NEPA PROCESS

NEPA components typically consist of

- a public involvement process,
- the development of documentation that discusses the existing environment that may be affected by the project (“the affected environment”),
- a discussion of the impacts from the project, and
- a discussion of mitigation measures that will be taken to address the impacts.

These guidelines are written to follow the above pattern, enhance and blend with existing NEPA processes, and allow flexibility in developing your Environmental Justice work. Throughout the NEPA process, it is critical that project staff keep in mind the Environmental Justice aspect of CDOT’s proposed action in order to best meet the needs of minority and/or low-income populations. Appendices D and E may help you in the thought process for Environmental Justice as you move through NEPA documentation requirements.

When discussing potential Environmental Justice issues, the “Socioeconomics” section is generally considered an appropriate placement within the NEPA document. As with all resources covered under NEPA, the analysis and discussion of Environmental Justice should be thorough and complete, and documentation should be proportionate to the potential impacts (if any) of the project on low income and minority populations.

3.1 The Public Involvement Process

The public involvement process is the foundation for full integration of the general population affected by a CDOT project. As you get to know your community, specific issues for various populations may become apparent, including whether low-income, minority, or other special populations may be affected.

Through the public involvement project, be sure to integrate concerns of low-income and minority persons into the full range of CDOT programs and activities. Public involvement is typically conducted during several steps in the NEPA process--for example, scoping, informational meetings, public hearings, etc. These opportunities should be used to, among other things, clarify the existence of low-income and minority populations, to be sure that outreach to these communities is meaningful, and that input from these communities is seriously considered.

3.1.1 Scoping

The primary goal in scoping related to EJ is to determine whether a CDOT project area includes minority and/or low-income populations and the method to meaningfully include these populations in the decision making process. During scoping these determinations are begun.

Using the tools (for example, the low-income formula in Appendix A) provided in these guidelines as a part of scoping under NEPA, CDOT project staff will make a preliminary

determination of whether the project area includes minority and/or low-income populations. Both populations must be analyzed. Every project and affected area is different; therefore, after this baseline evaluation is complete, the method may need to be evaluated differently depending on project needs.

The presence of a minority and/or low-income population depends on whether there is a significant population in the project area that constitutes a higher percentage of these populations than the affected area as a whole.

Determine if populations protected by other civil rights statutes comprise a meaningful presence in the affected area. When in doubt, consult the Title VI Coordinator. For example, non-discrimination toward the elderly is required by the Age Discrimination Act of 1975. Non-discrimination toward persons with disabilities is mandated by the Americans with Disabilities Act of 1973 and Sec. 504 of the Rehabilitation Act of 1975. These populations should also be considered throughout the NEPA process although these are not technically Environmental Justice issues.

3.1.2 Outreach Preplanning

Based on the preliminary population determination above, project staff will, as a part of project planning, begin to outline a strategy for effective outreach to and participation of minority and/or low-income populations throughout the NEPA process. CDOT project staff will identify tools that will best ensure participation of minority and low-income populations using resources in the appendices. Project staff must understand that the makeup of “populations” may evolve during the NEPA scoping process and be prepared to include different constituencies. Project staff will delineate preliminary performance measures as appropriate.

3.2 The Public Participation Process

The goals of CDOT’s public outreach related to EJ are to identify minority and/or low income populations, bring them into the project development process, and ensure that reasonable efforts are made to address their concerns and provide them meaningful opportunities to influence transportation decisions. However, this doesn’t mean that CDOT's overall project outreach is directed only toward EJ communities to the exclusion of other communities.

Project staff must ensure early and meaningful participation of affected community members. As the project team moves forward it may identify minority and/or low-income populations in the affected area. It may take extra effort to involve these community members. Culturally some members may not be inclined to participate in a public process. In some cases limited English may inhibit full involvement. In these cases, the project team will want to use adaptive or innovative approaches to overcome potential barriers to effective participation.

Outreach efforts to low-income or minority populations should take place early in the NEPA process. Customary CDOT practices for notifying the public of a proposed action and subsequent scoping and public events should be enhanced through thoughtful use of resources that will effectively reach minority and/or low income populations. Refer to Appendix B for examples.

Project staff should consider innovative methods to proactively involve the public, such as: varying meeting sizes or formats, soliciting the help of a recognized community leader, interactive kiosks, using field offices, using displays at community centers, circulating specialized materials that reflect the concerns and sensitivities of particular populations, and using facilities that are local, convenient, and accessible to all persons, including those with sight or hearing impairments.

Project staff will provide affected communities with technical assistance (in alternative languages, as appropriate) to help low-income and minority populations thoroughly understand the proposed action and enable these populations to have meaningful participation and input. The appropriate project staff will identify relevant project environmental documents and be sure they are available to any identified minority or low-income populations at meetings so that meaningful discussion of strategies is ensured. This will include later decision documents such as Findings of No Significant Impact (FONSIs) and Record of Decision (RODs).

Early in the NEPA process, the project management team will construct a strategy for demonstrating that Title VI and Environmental Justice-related input has been considered. Project staff should consider the following and consult with the Title VI Coordinator as necessary for assistance in:

- consideration of limited English proficiency (LEP) pursuant to Executive Order 13166. The intent of this Order is that all should have equal access to information. Use your best judgment. Certainly if demographics indicate that 5% or 1000 persons or more of the general population in a project area speak a language other than English, project materials should be translated into that language. Other circumstances or a request may dictate translation services for fewer persons. The 2000 US Census is the best data source of data for identifying those who are limited English proficient. Social service organizations and school enrollment are other good sources of data.
- translation of decision documents and/or summaries, translators at meetings, or other appropriate means to ensure that limited-English speaking members of the public are able to provide comments throughout the NEPA process; and
- participation through a medium other than the written/printed word. Some examples include interactive kiosks or videos, or round robin/focus group experiences, providing microphones, and court reporters.

The project team will document outreach and public participation activities related to Title VI and Environmental Justice issues as a part of the NEPA scoping process as outlined in Section 3.8. Any complaints would be handled following the procedures outlined in Appendix C.

3.3 The Affected Environment

Project staff will establish a baseline from which to determine potential benefits and burdens of impacts on affected communities. The tools provided in the appendices should be used as

appropriate. In the early stages of public involvement, you may want to use the Census data (as indicated in Appendix A) to determine where low-income or minority populations may occur. This is the base data source to use. At the very least a verifying data set should be used. Next, you may want to “drill down” to the next level, where the study area and specific neighborhoods may be evaluated by gathering data from public meetings.

Using public input, identify resources used by minority or low-income populations in the project area. Identify the community’s unique cultural practices clearly in the NEPA document. Also identify affects within the environment that may result from issues unique to a community’s distinct cultural practices or use of affected resources. (For example, subsistence fish, vegetation or wildlife consumption or use of well water in rural communities, or other social factors such as gathering places, centers of worship etc. in more urban settings.)

3.4 The Alternatives

Project staff will identify viable alternatives that meet the project’s purpose and need and are responsive to the concerns particular to minority and low-income populations. Project staff must determine how the various alternatives would distribute impact burdens or benefits across the affected project area, and, with the input of that affected community, whether low-income or minority communities currently experience or have in the past suffered from disproportionate environmental impacts and health risks or hazards. It is important to include community perception during this evaluation process.

Keep in mind that the EJ evaluation must be considered for each alternative, including the No-Build. The No-Build alternative is defined as no other improvements being done except maintenance to the existing road. Even under the No-Build, minority or low-income populations may be affected. The distribution of benefits and burdens such as increased noise, air pollution, congestion, travel times, etc., must be considered and documented appropriately.

3.5 The Impacts

Consider how each alternative might impact the low-income or minority populations (positively or negatively) using the resources within the project impact area. Include consideration of possible relocation of minority and/or low-income populations, displacement of businesses that provide jobs for minority and/or low-income populations, the displacement of a place of worship or community center that is a gathering place, or other actions that could disrupt or destroy the social fabric of a community or sense of place. Include in your consideration of each alternative impacts within minority or low-income populations that may result from issues unique to a community’s distinct cultural practices or use of affected resources. (For example, subsistence fish, vegetation or wildlife consumption or use of well water in rural communities.)

Evaluate each alternative to determine whether there is a potential for disproportionately high or adverse impacts from the project to fall on low-income or minority populations compared to populations that are not minority or low-income in the project area. Disproportionately high and adverse impacts is defined in the definitions and illustrated in Appendix D, Answer to Question

6. At a minimum use the evaluative criteria set out below. Adverse impacts to a population may include but are not limited to:

- Bodily impairment, infirmity, illness or death
- A change in air, noise and water pollution 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
- Destruction or disruption of the availability of public and private facilities.

A disproportionately high and adverse impact on low-income or minority populations is an adverse impact that is predominately borne by that population or one that will be suffered by a minority and /or low-income and/or minority population and is appreciably more severe or greater in magnitude than the adverse impact that will be suffered by the non minority and/or non low-income population. In considering if an alternative's adverse impact(s) falls disproportionately on a minority and/or low-income population project staff should consider public comments and reactions about alternatives from low income, minority or other affected populations. See Appendix B for specific examples of how to best elicit these comments. If one or more tribal governments are involved, the tribal consultation process under Section 106 of the National Historic Preservation Act may be necessary. Consult the NEPA program manager or CDOT Senior Staff Archeologist. Finally in considering whether a disproportionately high and adverse impact is predominantly borne by minority and/or low-income populations, project staff should consider and weigh at least the following criteria:

- Varying *levels* of disproportionate and adverse effects on low-income or minority populations.
- *Distribution* of disproportionate impact. Impacts that are distributed throughout a larger geographical area tend to affect specific populations less. Be prepared, however, to evaluate each project on the basis of its own unique circumstances.
- Cumulative effects. Consider the cumulative effects already being experienced by the community when evaluating the impacts of the proposed project.
- Mitigation. Consider alternatives that mitigate impacts to the greatest extent practicable for the community.

Project staff will have identified and may present for development viable alternatives that avoid or reduce adverse environmental, socioeconomic, human health or ecological impacts associated with the project and/or its preferred alternatives, including those particular to minority and low-income populations. Project staff is encouraged to consult with the NEPA Program Manager or Title VI Coordinator as necessary for assistance.

3.6 Mitigation

It is the goal of both NEPA and Title VI/Environmental Justice to avoid adverse impacts, and where unavoidable, to minimize, rectify, reduce or otherwise mitigate adverse impacts associated with a proposed CDOT action. This applies equally to disproportionate effects on low-income or minority populations wherever practicable. Throughout the NEPA process, CDOT project staff

will elicit the views of the affected populations throughout the public scoping process, take those comments into consideration, and make every practicable effort to generate options that will avoid, minimize or mitigate disproportionately high and adverse effects to minority and low-income populations.

Project staff should consider the following possible mitigation measures:

- Applying early mitigation;
- Reducing pollutant loadings through changes in processes or technologies;
- Planning and addressing indirect impacts prior to project initiation;
- Assisting an affected community to ensure that it receives at least its proportional share of the anticipated benefits of the proposed action (for example, through job training, infrastructure improvements, etc.);
- Establishing a community oversight committee to monitor progress and identify potential community concerns;
- Compiling and analyzing demographic data, including breakdowns by characteristics protected under Title VI and relevant statutes using the tools outlined in these guidelines;
- Considering enhancement measures that will improve the affected area consistent with CDOT's Environmental Stewardship Guide, resolving the impact by repairing or rehabilitating the affected environment, or compensating for the impact by replacing or providing substitute resources or environments;
- Relocating affected communities as necessary and in compliance with the Uniform Relocation Assistance Property Acquisition Policies Act of 1970 (the Uniform Act) and within the existing guidelines of CDOT or FHWA right-of-way program.

Within the Cumulative Effects analysis, project staff should, if applicable, document the effects on the community from past, present, and reasonably foreseeable future actions. It is important to include community perceptions as part of the Cumulative Effects analysis. It is also important to document the integration/inclusion of community suggested mitigation.

As part of the NEPA process, review proposed mitigation strategies with the affected community. Be sure the proposed strategies attempt to address the needs of the affected populations.

Project staff will ensure the programs, policies and activities that have disproportionately high and adverse effects on low-income and/or minority populations will be carried out only if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects are not practicable.

Project staff will also ensure that any of their project activities that have the potential for disproportionately high and adverse effects on populations protected by Title VI will be carried out only if there is:

- a substantial need for the project policy or activity, based on the overall public interest, and

- alternatives that would have less adverse effects on the minority and/or low income populations have either adverse social, economic, environmental or human health impacts that are more severe, or would involve increased costs of an extraordinary magnitude.

Consult with the Title VI coordinator regarding how this should be done. Be prepared to show and document the project's substantial need and how other offsetting effects (such as socioeconomic, environmental, or human health) would be more severe, or would cost extraordinarily more. Include in NEPA documentation how mitigation factors respond to the needs of affected populations. This provides an additional avenue for public notice and involvement.

Other steps that should be considered include:

- Requiring documentation to show commitments that have been made, the details of which should be made available to the public in understandable formats.
- Including a financing mechanism at the onset of the project for both implementing mitigation measures and monitoring their effectiveness. Ensure clearly defined monitoring guidelines are in place.
- Requiring a process to ensure commitments to mitigation are kept and carried out.

3.7 Review

It is important that project information be accessible to minority and/or low-income populations. This includes decision documents such as FONSI and RODs. Providing access to these project documents means more than simply dropping off a copy at the local library. This may be as simple as providing meaningful summaries in a format and location that is easily accessible to community members. Translation should be provided where appropriate. These summaries should provide information on the alternatives considered and the factors weighed in the decision-making process. Other circumstances may require more active outreach activities.

Disproportionately high and adverse human health or environmental effects on a low-income, tribal or minority populations should be among those factors specifically discussed in NEPA documents and should be addressed in any discussion of whether all practicable means to avoid or minimize environmental or other interrelated effects were adopted.

In coordination with the NEPA Program Manager, the Title VI Coordinator should review the following when potential EJ issues have been identified:

- Title VI and Environmental Justice Reports
- NEPA Documents, such as Environmental Assessments (EAs) and Draft and Final Environmental Impact Statements (DEISs and FEISs)
- Draft FONSI and RODs as appropriate

Prior to public meetings to discuss project status, changes or options in projects with identified EJ issues, the Project Manager should consult with the Title VI Program Coordinator about potential EJ/Title VI matters. The intent of this pre-public meeting discussion is to ensure that

requirements of the Title VI and Environmental Justice are being met and that information to be shared is consistent with Title VI requirements.

3.8 Documentation

It is especially important to thoroughly document in both the planning and NEPA processes that:

- The ethnic and economic character of the affected community has been determined as early as possible in the process to appropriately identify potential environmental justice issues.
- The types of outreach and involvement processes undertaken are responsive to the unique characteristics of the community. This should include the comments and opinions of the minority and/or low-income populations.
- Other reasonable alternatives that do not have EJ impacts were evaluated and eliminated because they did not meet the purpose and need for the project, or had impact that was more severe, affected far greater numbers of people, did greater harm to the environment, or involved costs of extraordinary magnitude, etc.
- The project's impacts are unavoidable.
- Identifiable minimization and/or mitigation measures will be made to reduce the harm to minority and/or low-income populations.

If your documentation concludes that no low-income or minority population is present in a project area, it needs to support how that conclusion was reached. If you determine that low-income and/or minority populations are present in the area, potential disproportionate tests will then have to be administered and documented.

3.9 Categorical Exclusions

NEPA guidance allows federal agencies to determine types of projects that generally do not have significant impacts on the human environment and do not require an intensive level of analysis and public outreach. These projects are referred to as Categorical Exclusions (CatExs). In determining if a project is applicable for CatEx status, the project staff must take into consideration whether the project has the potential to significantly affect minority and/or low incomes. The potential for significant impacts may require the completion of an EA or EIS.

Even where a project meets all of the CatEx requirements as outlined in the CDOT Form 128, project staff must still be aware that all Environmental Justice requirements still apply. In appropriate circumstances, CDOT project staff must augment the project procedures as appropriate to ensure that all otherwise applicable process and procedures required for Environmental Justice are met.

4.0 ENVIRONMENTAL JUSTICE TRAINING

All project staff, including CDOT personnel, consultants, and contractors, shall complete training on Environmental Justice.

4.1 Training for Project staff

The Title VI Program Coordinator will, in consultation with the NEPA Program Manager and in coordination with the Statewide Title VI Advisory Group and the Training Unit of Center for Human Resource Management (CHRM), identify and ensure appropriate training for CDOT staff in Title VI and Environmental Justice. The training will present and clarify legal requirements under Title VI, the connection between NEPA and Title VI, roles of the CDOT Title VI Coordinator, the NEPA Program Manager, Project Managers and consultants regarding NEPA/Title VI, and the Title VI complaint process. During the training, participants will receive Title VI reference materials.

4.2 Training for Consultants

The Title VI Program Coordinator will, in consultation with the NEPA Program Manager and the Training Unit of CHRM, identify and ensure appropriate training for CDOT consultants.

The training will also present and clarify legal requirements under Title VI, the overlap of NEPA and Environmental Justice and Title VI, and the appropriate roles of the CDOT Title VI Coordinator and project staff for the purposes of technical support and the Title VI complaint process. During the training, participants will receive Title VI reference materials.

APPENDIX A
DETERMINING MINORITY AND LOW-INCOME THRESHOLDS DURING
ENVIRONMENTAL DEVELOPMENT AND PROJECT DESIGN

It is critical to identify low-income and minority populations early so that these populations can become involved and have a meaningful opportunity to determine the extent of their participation during every phase of the project. To identify affected populations, CDOT must:

- a) Identify the geographic area and area of impact, and
- b) Define whether there are minority and/or low-income populations within that area.

It is strongly recommended that issues that give rise to Environmental Justice be identified and addressed at the earliest stages in the environmental and project design stage. Environmental Justice pertains to both minority and low-income populations, and this guidance is devoted to both issues.

A. SOURCES AND QUALITY OF DATA NEEDED

A variety of data sources record and maintain statistics relative to low-income populations. Federal Highway Administration (FHWA) recommends the use of the U.S. Bureau of the Census as the primary source of data to identify low-income populations. Therefore, the census is the recommended base data set. In addition the census data set should be verified. Project staff should consult reliable local data sources such as township assessors, social service agencies, local health organizations, local public agencies and community action agencies as necessary to verify census data.

One reason for using a verifying data source in addition to the US census is that the census is decennial. Since these socioeconomic data have traditionally only been collected every ten years, they quickly become dated. Please note that the Census Bureau is in the process of replacing the 10-year survey with an annual survey (called the "American Community Survey"). Data will be collected through on-going surveys that will give community leaders and other data users recent information for planning and evaluating public programs. This process began in 2003 and is expected to be available in 2004 for all metro areas and population groups of more than 65,000. That will mean access to more up-to-date data for populated areas soon.

Census data list specific information and the percentage of low-income population for different geographical units ranging from the smallest unit, or census block, upwards through block group and census tract to transportation analysis zone (TAZ). In CDOT's planning program, for example, the tract level is used. It may be more useful to use a smaller geographical unit, such as the block group, for environmental analysis.

HUD data should be used to refine and update these census data. HUD data incorporate adjustments based on local income and are more appropriate for the Colorado environment

where the cost of living for counties and other sub-areas around the state vary widely. Program, project, and study sponsors may also consult reliable local data sources such as township assessors, social service agencies, local health organizations, local public agencies, and community action agencies. Consider asking participants during the public involvement process if all known low-income populations have been identified and included as an additional refining step. Should you use a data source other than the census exclusively, the quality and integrity of the data must be evaluated in terms of accessibility, age and update cycle, uniformity, format, and comprehension.

B. IDENTIFYING TARGET POPULATIONS

Geographically identifying minority and low-income households in the defined area is a multi-step process. The first step is to identify the relevant area of potential impact and determine what level of data specificity to use.

1. Define Area of Potential Impact

Identify and evaluate the geographic area likely to be affected by the project. The Environmental Justice analysis would include all areas within the project area as well as adjacent areas that may reasonably be affected. Many transportation projects have far-reaching impacts. It is, therefore, probable that the area of impact may be a considerably larger area than the literal project footprint. The determination of “project impact area” should be presented, reviewed, and agreed upon by the participants and documented in the public involvement process.

Once the geographic area affected by a program or activity is determined, the level of data specificity for low-income populations from appropriate census data or the best data available must be chosen. The census data show the number of households by income by the desired level of geography, i.e., by tract or other appropriate level such as block group or block level.

2. Determine Minority Populations

For the purposes of defining and identifying minority populations, U.S. Census data are the best primary source. Census data are available at the state level for each CDOT region as well as by census tract and block group. The race information from the 2000 Census contains the following mutually exclusive categories:

- White
- Black or African American
- American Indian and/or Alaska Native
- Asian
- Native Hawaiian and other Pacific Islander
- Same race
- Two or more races

There is also information about “Hispanic” populations. However, note that a person who self-identifies as Hispanic may be of any race and therefore Hispanic is classified as an ethnicity rather than a race to avoid double counting in the Census.

If there is more than one minority group in your study area, the minority percentage should be based on the aggregate of all minority persons. For example, if the percentage of African American persons in the identified census block is 20 percent and the percentage of Asian persons is 20 percent, then the total of 40 percent should be used for the minority percentage. For purposes of EJ analysis, then, the total population within the geographic area being analyzed minus the total White, non-Hispanic population would generate the minority population. Be sensitive to the fact that there are many wealthy minority communities and many poor non-minority communities.

Other sources of information may be used to confirm and further refine the locations of minority populations. Public involvement is a critical component to this effort. The project team will need to determine, based on each particular project, which sources are most appropriate. However, some likely sources may include religious groups and schools who might provide race and national origin information, homeowner/community associations, community action agencies, civil rights organizations, minority business associations and economic and job development agencies, and ethnic stores and shops (also refer to Appendix B).

If minority populations are identified, characterize them by describing their make-up, size, general location, age, etc. Be sensitive to your public. It is recommended that any study area mapping showing locations of low-income and minority groups not be included in the environmental document but kept with the project documents.

3. Determine Low-Income Populations

Any existing planning studies for the proposed project area should be reviewed to determine if low-income populations have already been identified. If this approach is not adequate, as it probably will not be, the following is recommended.

Determine target areas.

Typically, low-income populations are spread throughout the project area, but there may be a concentrated area that has a significantly higher percentage of low-income population than the county or metro area average. The first step is to identify any of these potential “target areas.”

To determine whether there are targeted low-income populations in a project area, two things must be established: 1) the low-income threshold dollar amount, number, and percentages for a particular county; and 2) the number and percentage of low-income populations in the project area that will be compared to the county percentage.

Use county data sets

Use county census data and county specific HUD Average Median Income at 30 percent (AMI30) data to determine the target areas. The census data indicate total households and the number of households per income range by county and by smaller levels of geography. The

average household size is also designated by county. However, these data do not indicate the number of persons in each household.

The HUD AMI30 data are county-specific and indicate the low-income dollar amount for each household size. AMI30 is recommended as the method to use to determine the county low-income percentage. This method is also used to determine if a low-income population is greater than the county or metro area income percentage, thereby warranting designation as a target area. This is preferred to census poverty household state averages because it is sensitive to county differences in income.

Calculate low-income threshold

Since census data do not indicate the number of persons per household while HUD AMI30 does, it is necessary to reconcile the two data sources in order to derive the low-income threshold figure for the county. This is done as follows:

- Using the census figures for the appropriate county, obtain the average household size in the county to begin the process of making the data sources compatible. This will normally not be an even number, but some whole number plus a decimal, e.g., 3.25.
- Obtain the total households and table of ranges of household incomes from the census data set.
- Obtain the HUD Community Development Block Grants low-income thresholds for Colorado, and, after selecting the appropriate county, use the 30 percent of median household income data set. This data is derived annually by the US Department of Housing and Urban Development. If there is county overlap, then use the appropriate county-specific data for the block group under consideration.
- Using both the HUD data and census average household size, calculate the number and percentage of low-income households in the pertinent county (counties) as follows:
 - Determine the closest whole number at and the whole number above the census derived average household size.
 - From the HUD data find the proper low-income thresholds associated with these whole numbers.
 - Subtract the smaller low-income threshold dollar amount from the higher one.
 - Multiply this difference in low-income thresholds by the decimal portion of the average household size.
 - Add this product to the lower whole number low-income threshold dollar figure derived from the HUD data. This will give you the low-income threshold amount for the actual average household size for the county.
- Calculate the percentage of low-income households for the entire county or counties involved by dividing the total number of low-income households by the total number of households in the county.

Low Income Methodology Example

The following is a brief example of one possible low-income scenario and how the formula would be used. (Sample taken from "Environmental Justice in Transportation Planning Phase II, CDOT Research Branch, December 2003.)

Data Assumptions:

Low-income thresholds are to be determined by Housing and Urban Development (HUD) data developed for the counties in Colorado for use by the Department of Local Affairs (DOLA) in the allocation of the Community Development Block Grants.

The average household size and total household income by census tract is to be determined through the use of the 2000 Census.

Tract 1, County X

Low-income thresholds for County X

Persons per household	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Low income	\$24,450	\$27,950	\$31,450	\$34,950	\$37,750	\$40,550	\$43,350	\$46,150

The average household size and low income thresholds are different for each county to reflect the appropriate cost of living and are given in the HUD data set.

The average household size is 3.25 people per household for this county. This number is provided in the 2000 census data set for the relevant county.

Total household income ranges as calculated from census data or other verifying data source:

Household Income	Total Households
Less than \$10,000	50
\$10,000 to \$14,999	60
\$15,000 to \$19,999	70
\$20,000 to \$24,999	80
\$25,000 to \$29,999	90
\$30,000 to \$34,999	100
\$35,000 to \$39,999	100
\$40,000 to \$44,999	200
\$45,000 to \$49,999	100
\$50,000 to \$59,999	100
\$60,000 to \$74,999	100
\$75,000 to \$99,999	100
\$100,000 to \$124,999	100

\$125,000 to \$149,999	100
\$150,000 to \$199,999	100
\$200,000 or more	100

Given this data, the number of households that are considered to be low income in Tract 1 is calculated as follows.

Low-Income Thresholds

What is the value of the threshold low-income given an average 3.25 person household?

- Determine the closest whole number at and the whole number above the census derived average household size and from the HUD data find the proper low-income thresholds associated with these whole numbers. Subtract the smaller low-income threshold dollar amount from the higher one. The average household is between 4 persons and 3 persons, so: **\$34,950 (4-person household income) minus \$31,450 (3-person household income) = \$3,500.**
- **\$3,500 multiplied by 0.25 = \$875**
- Low-income threshold for Tract 1:
\$31,450 (3-person household income) + \$875 = \$32,325

(If the household size were 3.5, the threshold would be $\$3,500 \times 0.5 = \$1,750$, then $\$31,450 + \$1,750 = \$33,200$.)

In a less affluent county where the 3-person household income is, say \$18,000, and the 4- person household income \$20,000 the threshold would be lower. Then $\$20,000$ (4-person household income) minus $\$18,000$ (3-person household income) = $\$2,000$. $\$2,000$ multiplied by 0.25 = $\$500$. Low-income threshold for Tract 1: $\$18,000$ (3-person household income) + $\$500 = \$18,500$.

Referring back to the total household income, the total number of households with incomes at or below \$32,325 would be 450, or a total of the number of households within the first six income categories (refer to chart) below the threshold range (\$0 to \$34,999), or $50+60+70+80+90+100=450$.

Block Group Comparison

Use the method described above to calculate the block group's (or other appropriate geographical unit's) number and percentage of low-income households. Use the previously calculated county-level household size. Derive the total number of households in the block group with income at or below the low-income threshold using the table constructed by census ranges. Add all the households at or below the threshold income calculated above. It may be necessary to count some households that may have a higher income than the threshold income because they

fall in the same income range. That is acceptable. Project teams are encouraged to be more, rather than less, inclusive.

Compare this to the county percentage that is used as a reference point to identify target low-income populations within the block groups of the project area. If the percentage of low-income households is higher than what has been calculated as the county percentage then the block group should be targeted for Environmental Justice analysis. If there is any doubt about whether a particular area constitutes a target low-income area it is recommended that additional data be used to refine the analysis. The county and block group (or metro area) averages are initial points of reference, but should be supplemented by additional, more specific local data sources as appropriate.

If a target area within the project area exceeds the county average, then the entire block group containing that target area should be studied. An Environmental Justice analysis for such an area would therefore require applying the tests for benefits and potential harm of a proposed program or activity to the entire block group.

Even a very small low-income population in a project area does not eliminate the possibility of a disproportionately high or adverse effect of a proposed action or project. The impact of the project on the project area must be considered. The key to Environmental Justice is avoiding or mitigating disproportionate adverse impact.

D. DOCUMENTATION

It is especially important to thoroughly document in both the planning and NEPA processes that:

- Ethnic and economic character of the affected community has been determined as early as possible in the process to appropriately identify potential environmental justice issues.
- The types of outreach and involvement processes undertaken are responsive to the unique characteristics of the community. This should include the comments and opinions of the minority and/or low-income populations.
- Other reasonable alternatives that do not have EJ impacts were evaluated and eliminated because they did not meet the purpose and need for the project, or had impact that was more severe, affected far greater numbers of people, did greater harm to the environment, or involved costs of extraordinary magnitude, etc.
- The project's impacts are unavoidable.
- Identifiable minimization and/or mitigation measures will be made to reduce the harm to minority and/or low-income populations.
- The mitigation measures committed to match in some way the suggestions garnered from public outreach.

If your documentation concludes that no low-income population is present in a project area, it needs to document how that conclusion was reached. If you determine that low-income populations are present in the area, potential disproportionate tests will then have to be administered and documented.

APPENDIX B CREATING A GREAT PUBLIC OUTREACH PROGRAM

Below is a menu of tools and strategies available to Project staff for identifying, contacting, and engaging the public in the project development process.

For the following agencies, organizations and/or stores, consider posting fliers and notices on bulletin boards; including information in bulletins, homeowner association newsletters, etc.; offering to make project presentations; etc.:

- homeowner/community associations
- community action agencies
- religious organizations (churches, etc.)
- civil rights organizations
- minority business associations
- Chambers of Commerce
- business and trade organizations (e.g., Colorado Black Chamber of Commerce)
- environmental and environmental justice organizations
- rural/agricultural organizations
- ethnic stores/shops
- universities, colleges, vocational and local schools
- fraternities/sororities
- senior citizen groups (e.g., senior centers, county Office of Aging)
- community/recreational centers

Other great strategies include some of the following:

- Publish ads and notices in newspapers, radio and other media, particularly media targeted to tribal governments, minority and low-income populations
- In addition to ads and notices, actively pursue having articles about the project published in local newspapers
- Publish ads not just in the legal section of the newspapers, but also in more “popular” sections
- Include minority or low-income people in project focus groups

- Depending on the make-up of the particular project area, consider translating documents, notices and hearings for limited English-speaking populations

For public meetings and brochures:

- include slides asking for input from minority and low-income communities
- include wording in brochures soliciting input and information

Ideas for early, ongoing, inclusive public meetings:

- If at all possible, hold public meetings in locations that are accessible to transit
- Hold meetings at times and locations that are convenient for the attendees
- If appropriate, consider using an independent facilitator at community meetings, task force meetings, etc.
- Consider providing a minute-taker at key community meetings and providing copies of the minutes to attendees and other interested people
- Hold neighborhood open houses
- In any notices for community meetings, ask if there are unique needs/concerns (i.e., interpreter, etc.)
- Consider adding wording in project initiation ads and/or project mail-back cards to solicit input on, and active involvement from, minority/low-income/other populations. Wording would need to be sensitive to any perception of discrimination
- Use the internet and other electronic media (e.g., CDOT or project web-site, colleges and local school web-sites with bulletin boards, local governments)
- Place public meeting/workshop brochures, fliers and newsletters in the management offices of apartment buildings occupied by minority or low-income people
- Provide public meeting/workshop brochures, fliers and newsletters at local festivals and fairs
- Distribute public meeting notices at bus stops
- Post notices in local libraries
- Contact school PTAs; they may be willing to have a presentation at one of their regular meetings
- Conduct in-street interviews to identify local issues/concerns
- Set up informational kiosks in malls, libraries, etc.

Possible innovative/unique ideas for atypical projects:

- Open a project field office in a minority or low-income area
- Use questionnaires to identify concerns of affected populations (issues, impacts, benefits, etc.). Any questionnaire would have to be developed and distributed early, so that ample time would be available to compile, analyze and use the data
- Put out fliers and do a "road show" in communities, parks, festivals, malls, etc.
- To keep affected communities involved and informed during final design and construction, consider having a community representative attend certain team meetings, developing flyers/brochures, etc.
- Establish a community oversight committee to monitor progress and identify potential community concerns

HOW TO HANDLE A TITLE VI OR “ENVIRONMENTAL JUSTICE” COMPLAINT

Title VI and Environmental Justice Complaint Procedures for the Public

A “complaint” refers to something more substantial than public comment or criticism about a project. It is a short and plain written or verbal statement that states three things: that complainant is a member of a low-income and/or minority population; on that basis complainant is or will be subjected to disproportionately high and adverse human health or environmental effects of CDOT funded programs or activities, and that complainant requests a remedy. Alternatively a complaint is a short and plain statement that complainant, on the basis of race, color, gender or national origin, is subjected to exclusion from participation in, denial of benefits from, or discrimination in a CDOT funded program or activity; and that complainant requests a remedy.

One example of a Environmental Justice complaint is an allegation that the a state road is being rerouted in a way that cuts off direct public access to a minority business property thereby impacting the owner’s economic well being while leaving access to the property of non-minority owners unimpeded. Another might be a statement that relocation of low-income Korean individuals from a trailer park abutting a relied upon bus route is being proposed to an area without access to public transportation. Some examples of a Title VI complaint include a call complaining that a prime contractor who has met a DBE goal will not accept further bids from minority subcontractors; a statement that a prime on the basis of race or national origin is not complying with prompt pay requirements; a protest about an inequitable denial of an access permit to a Indian American within a right of way; or an objection to an inequitable right of way appraisal based on gender. If you’re unsure whether a grievance constitutes a complaint consult with the Title VI Coordinator.

Written complaints received at Headquarters regarding CDOT or any of its contractors should be immediately forwarded to the Title VI Coordinator who will in turn alert all the appropriate parties, including Regional Civil Rights Managers, all of whom will receive a copy. Verbal complaints should be referred to the Title VI Coordinator or Regional Civil Rights Managers to be reduced to writing. The Title VI Coordinator will act as the main repository of complaints and coordinate investigations of claims and equitable resolution processes.

Title VI or Environmental Justice complaints received by project staff in the field should be treated like any other civil rights complaint, for example one based on disability, and given to the Regional Civil Rights Managers. Once a Regional Civil Rights Manager accepts a complaint, it is their responsibility to forward the complaint to the Title VI Coordinator within 24 hours and retain a copy. The Regional Civil Rights Manager and/ or the Title VI Coordinator may do the investigation. If Regional Civil Rights Managers investigate they will forward a copy of their final report to the Title VI Coordinator for final processing.

Sufficiency of Complaint

A complaint must be in writing, signed by the complaining party or complainant’s representative before further action can be taken. Third party complaints and complaints received by fax or

e-mail will be acknowledged and accepted for further processing. Allegations received by phone or in other non-written form must be recorded in writing by the Title VI Coordinator or Civil Right Manager and provided to the complainant for signature affirming confirmation before processing. It is best to refer such calls or inquiries to the Title VI Coordinator for processing. Refer to contact information below.

Complaint Requirements

A form should be available online or in hard copy to take complaints. If no form is available refer the person to the Title VI coordinator or obtain a written statement that contains the following information:

- ❑ Complainant’s full name, address and telephone number or other way to contact the complainant, and the name of the person believed to have been discriminated against.
- ❑ Identification of the race, sex, or national origin of the party affected by the alleged discrimination.
- ❑ The name of the person or organization believed to have discriminated, the address and telephone number and any other identifying information.
- ❑ A description of the action believed to have been discriminatory, including the dates of the action, names of those discriminated against, witnesses and any other specific information about the discriminatory acts. The complaint should be specific about when the discrimination took place, or when it was discovered to have taken place.
- ❑ Any other information believed to be necessary to support the complaint. The Complainant should send copies of relevant documents and keep originals.
- ❑ The name, address, and phone number of any attorney or other representative who will be advocating on behalf of complainant or person alleged to have been discriminated against.

Contact Information

Complaints may be mailed or delivered by the Complainant to the addresses below. If questions arise, please refer to the contact information below:

<p>Mail: Center for Equal Opportunity Title VI Coordinator Colorado Department of Transportation 4201 East Arkansas Ave., EP-B404 Denver, CO 80222</p>	<p>Or delivered in person to: 1325 S. Colorado Blvd. Empire Park, Building B, Room 404 Denver, CO 80222</p>
<p>Within Denver Metropolitan Area, call 303-757-9303.</p>	<p>Outside of Denver Metropolitan Area, call toll free 877-757-9928.</p>
<p>Hearing Impaired: TTY/TDD number: 303-757-9087</p>	

Questions about the complaint process or form of the complaint should be directed to the CDOT Title VI Coordinator (303-757-9310).

CDOT Regional Civil Rights Managers

Region	Phone	Address
R1	303-757-9286	18500 E. Colfax Ave, Denver CO 80011
R2	719-546-5432	905 Erie Ave. Pueblo, CO 81002
R3	970-248-7237	222 S. 6 th St, Room 317 Grand Junction CO 81501
R4	970-350-2107	1420 2 nd St. Greeley, CO 80632
R5	970-385-1450	3803 N. Main Ave. Durango, CO 81301
R6	303-757-9386	2000 S Holly Denver, CO 80222

APPENDIX D FREQUENTLY ASKED QUESTIONS

1. What is the minimum number of data sources that should be reviewed to determine low-income or minority populations?
2. Can we ask people if they are minority or low-income?
3. If not, how do we get the info?
4. How should we define population?
5. How should we define disproportionate?
6. How are "disproportionately high and adverse effects" determined?
7. How should we define predominant?
8. Can we consider mitigation, e.g. relocation that we would have done anyway?
9. How do we identify other mitigation?
10. What is the US EPA's role in EJ compliance?
11. When am I done with EJ processes?
12. What do I have to do and what is just stuff that I should do?
13. When do I have to provide interpreters and/or non-English materials? What is the number of people that must show interest before non-English materials have to be provided?
14. How do I get low-income and minority residents to attend my meetings?
15. What budget limitations apply to EJ outreach?
16. What do we call a population evaluated under the Environmental Justice guidelines?
17. Will there be a template of some language on EJ analyses that can be used in our NEPA consultant contracts and in RFP's?
18. Do we have to conduct door-to-door surveys to gather Environmental Justice data? What does CDOT's Risk Management office think about placing door-to-door interviewers in areas that might have a history of high violent crime rates?
19. What is an appropriate response when people suggest that door-to-door interviews need to be conducted? What is an appropriate response from CDOT to FHWA when FHWA staff or trainers suggest or insist that door-to-door interviews need to be conducted?
20. Is it reasonable to expect that unit-by-unit statistics on the presence of low income or minority residents or employees/owners of businesses will eventually be determined and documented on each project where right-of-way impacts might occur?
21. How large must the minority or low-income population be to consider EJ?
22. What happens if there are no minority or low-income individuals in the study area?
23. What happens if the project appears to have a disproportionately high and adverse impact on low-income and minority populations?
24. Is EJ only relevant to residential impacts?
25. Does EJ have to be a separate discipline study?

1. What is the minimum number of data sources that should be reviewed for determining low income and minority populations?

The answer will depend on the complexity of your project area, the number of residents and businesses possibly affected, the history of cumulative effects in the area from other projects, etc. You will obviously need at least one source and one verifying data source. Beyond that the answer is subjective.

Keep in mind that there are two primary reasons for conducting a demographic analysis:

- To determine if there are minority and/or low-income populations within the study area that could be potentially affected by the project.
- To support the projects' public involvement plan -- one needs to know who they are communicating with in order to determine the best means of communication (e.g.: this may identify translation needs or specific methods that could be used to distribute information).

A rule of thumb when developing your data source base is to look at the snowball effect that you can obtain by using the organizations that should already possess information about your community, starting with the ones that encompass the most residents. For example, start with U.S. Census data, state and local demographic data, then check in with the city's office of economic development (if applicable), local social services office, Chambers of Commerce, community centers, churches. Get names of contacts and then follow up.

The amount of data sources depends on use. The sources need to be detailed enough to determine if low-income and minority populations are in the project area and what the impacts could be. If you feel you're developing a clear picture of the community but need more detail, incorporate data collection into your neighborhood groups such as homeowner or community associations, schools (PTAs), hold neighborhood open houses, etc. Finally, if the "target population" is very specific, design flyers, mailers, and neighborhood meetings to fit their individual needs. Above all, be sure to document your findings with a paper trail along the way.

2. Can we ask people if they are minority or low income?

Clearly, this question points to the need for CDOT project staff to handle all Environmental Justice issues as highly sensitive and personal pieces of information. A good thing to remember is "how would I like to be treated?"

And the answer is yes; in fact, Title VI regulations and FHWA Order require this information to be collected. It can be collected in many context sensitive ways:

- **Minority:** Be sure to have project team members trained in EJ at the open house or other public involvement event to ask people to complete a voluntary form for people that are attending (be prepared to assist them in completing this forms as necessary). The project team should know enough about the neighborhood demographics to say that the meeting is representative and provide visual documentation

- Low Income: Again, a Title VI voluntary form could be used but will likely be a poor measure. Some suggestions are to ask the question "do you consider yourself low income?" or provide a range of incomes and ask for a fit within range, or ask if people are above or below a certain income level.

We are able to collect project area information on low-income populations from U.S. Census data and U.S. Housing and Urban Development (HUD) data. However, there may be projects where project-specific area information is critical to determining how best to meet the needs of the affected population. For example, there may be a cluster of homes within a project area that has a specific cultural character or community cohesiveness--a fact that would not be apparent from reading data.

In these cases, project staff should design public meetings such as neighborhood open houses, community meetings, workshops, and interviews with an eye toward listening to and documenting the needs, requests, questions, and concerns of particular groups (both minority and non-minority). Minority populations, as defined in the EJ/NEPA guidelines, are Black, Hispanic or Latino, Asian American, Native Hawaiian or other Pacific Islander, and American Indian or Alaskan Native.

3. If not, how do we get the info?

The U.S. Census is a first step toward gathering this information. It can be confirmed using other data sources such as school lunch program records, MPO data, community groups, etc. The point is to gather information that tells you what type of population you have in your project area, not to get an exact head count.

When setting up community meetings, ask community leaders and community center staff about local community groups that are active in the area. These groups will sometimes be made up of minority interests, such as the Black or Hispanic Chambers of Commerce, churches, etc. As noted in the U.S. EPA's Interagency Working Group (IWG), some things to keep in mind are:

- Build upon existing organizational capacity in the affected community.
- Foster capacity through training, mentoring, technical assistance, or resource support. Evaluate the community's strengths and weaknesses.
- Develop your program using consensus-driven facilitation.

A number of community approaches are outlined well at the IWG's web site and may be worth reviewing: <http://www.epa.gov/compliance/environmentaljustice/interagency/>

4. How should we define population?

As noted in CDOT's EJ/NEPA Guidelines, by USDOT, and by FHWA, a low-income population is defined as any readily identifiable group of low-income 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.

A minority population is likewise defined by these sources as any readily identifiable groups 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 CDOT program, policy or activity.

5. How should we define disproportionate?

A disproportionate effect is defined by FHWA as one that is:

- 1) predominantly borne by a minority population and/or low income population or
- 2) suffered by the minority population and/or low-income population and that 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.

In other words a disproportionate effect is an incidence (or prevalence) of an effect, a risk of an effect, or likely exposure to environmental hazards that would potentially cause adverse effects on a minority and/or low-income population that significantly exceeds that experienced by a comparable reference population. It means that the minority and/or low-income population bears the brunt of the effects of the project in a manner that is 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.

6. How are "disproportionately high and adverse effects" determined?

Both disproportionate and adverse are determined by a combination of factors that can vary from project to project. Therefore an exact formula cannot be given. It is important to realize that:

Adverse effects = input from technical experts + public input

Adverse effects cannot always be determined simply from public feedback nor from technical analyses but both should be used together to determine what is adverse.

Disproportionate needs to be determined by comparing the effect on the low-income or minority population versus a comparison population, therefore:

Disproportionality = effect on low-income or minority community vs. non-low-income or minority community.

Bottom line: adverse effects to a low-income or minority population that significantly exceed that experienced by a comparable reference population. The Council for Environmental Quality (CEQ)'s "Guidance for Considering Environmental Justice under the National Environmental Policy Act" and US EPA's "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis" are used with respect to measurement of significance. Consult with the Title VI Coordinator if there are doubts about disproportionate or adverse impacts.

7. How should we define predominant?

Webster's defines predominant as being the most frequent or being the most common or conspicuous (Merriam Webster's Collegiate Dictionary, 10th Ed. 1997). For the purpose of Environmental Justice, this definition is sufficient.

8. Can we consider mitigation that we would have done anyway?

NEPA requires that mitigation measures be taken to the extent practicable for actions. This is true with or without Environmental Justice implications. However, note that both Title VI and the Executive Order require federally funded projects to incorporate addressing impacts under their own definitions, and these definitions must be taken into consideration. Look at it this way: 1) we propose an action; 2) the action will like affect the project area, including the people who live there; 3) we evaluate what we can do to minimize problems for those people, as well as for the environment affected; 4) we implement a plan that carries out minimizing problems. Title VI and EJ issues, coupled with NEPA, simply remind us to consider populations and their inherent role in the community aspect of our project.

It can be considered but technically it is not EJ mitigation. There should be efforts made above and beyond required mitigation to compensate for specific takings. Take into account mitigation, enhancements and project benefits when assessing if there will ultimately be a disproportionately high and adverse impact on a low-income or minority population.

9. How do we identify other mitigation?

Mitigation measures beyond the EJ compliance arena are treated as they always have been under NEPA. But there is the opportunity here to be creative and look to methods that actually are context sensitive and address the special needs of the low income or minority population.

10. What is the US EPA's role in EJ compliance?

Refer to: http://www.epa.gov/Region8/community_resources/ej/ejhome.html

According to their web site, "Under the Constitution, other Federal law, treaties, and executive orders, EPA has the duty to provide equal protection from environmental danger to all people, regardless of their race, gender, age or income. The Environmental Justice (EJ) program works with other EPA programs, states, tribes and communities to ensure that this fundamental duty is fulfilled. EPA works to provide communities with the technical or financial help necessary to effectively participate in environmental decision-making."

11. When am I done with my EJ analysis?

The Environmental Justice aspect of developing a CDOT/FHWA project in a community does not begin nor end with the conclusion of the NEPA process. Rather, it continues through construction and operation and maintenance of the facility, whether the facility is a road, highway, expressway, toll road, rail line, bus line, or other mode of transportation. Look at it this way: you've moved into the neighborhood, and it's your job to be a good neighbor for as long as you're there!

12. What do I have to do and what is just stuff that I should do?

Sometimes these two areas overlap. Context-sensitive solutions and environmental ethics are two areas of project management that are often very subjective, relying on the results of public

outreach, community needs, and internal CDOT and FHWA policies. There are, of course, also federal, state, and local requirements that must be followed. Before the project begins, certain environmental permits must be obtained from agencies such as the U.S. Corps of Engineers, U.S. Fish and Wildlife Service, and others. Certain construction and building approaches may have restrictions placed on them because of water or air quality concerns. This is why we at CDOT rely on the expertise of our in-house and project staff to tackle each of these areas as they are presented. Under Environmental Justice guidelines, we must adhere to the law under Title VI as well as the intent of the Executive Order. We must also follow the National Environmental Policy Act (NEPA).

13. When do I have to provide interpreters and/or non-English materials? What is the number of people that must show interest before non-English materials have to be provided?

Typically if you have one non-English speaker in a community that you are aware of, there may be many more that you are not aware of. You will determine the need for non-English materials during your early public scoping, perhaps when you are talking to community leaders. Remember that non-English speakers may include the spectrum of languages!

If demographics show that five percent or 1000 or more of a community speaks a language other than English you should provide brochures, meeting invitations and newsletters and similar material printed in appropriate languages. Be prepared to provide interpreters at meetings. The recommendation is to err on the side of provision. The project team might decide to print materials in another language(s) despite lower percentages if they feel there are limited English proficient individuals who may be impacted. Environmental documentation does not need to be printed in languages other than English unless it is requested; however, if requested we will need to provide equal access to the information. Work with the CDOT Title VI Coordinator for potential translator resources.

14. How do I get low-income and minority residents to attend my meetings?

After getting some idea of the community composition using easy access data sources like the US Census, you need to meet with community, neighborhood and civic groups to find out more about your project's community, how they communicate, their interests, and how to best involve them. Communicate, communicate, and communicate.

A good resource is FHWA's "Public Involvement Techniques for Transportation Decision Making". Of course, we cannot require any person to attend a meeting. All we can do is make sure that our public outreach is comprehensive, and not expect that the community will automatically come to us. Refer to Appendix B in the EJ/NEPA Guidelines document for ideas on how to reach out to your public. Remember to document the results of your public interactions along the way, even if the documentation indicates that there was little public interest in meetings.

15. What sort of budget limitations apply to EJ outreach?

Budget considerations for any FHWA-financed CDOT project should include a discussion of EJ early on, so as to include sufficient public outreach throughout the project, construction, and long-term operation and maintenance of the facility. These budget considerations will vary with the complexity and size of any project and should be discussed with the project engineer and financial planners. Early estimates are that this process could add some additional cost to the overall project costs. However, over the lifetime of the project, it is estimated that money will be saved due to less public controversy and fewer delays. Demographics done early in the process can be used to provide information for both the social, public involvement and EJ (when needed). This will help provide consistency and a higher quality of data.

16. What do we call a population being evaluated under Environmental Justice guidelines?

These groups have been referred to as "targeted populations," "targeted individuals," "special interest groups," "low income" and even "takes"! Consider your situation on each project and then consider language that shows a sensitivity to the population: "affected community," "neighborhood," "project community," "Johnson Community Neighborhood," etc. Determine what the community would like to be called through active listening, and don't be afraid to ask! When in doubt, for our use, "low-income" and "minority" are consistent with the Executive Order and Title VI.

17. Will there be a template of some language on EJ analyses that can be used in our NEPA consultant contracts and in RFP's?

As we continue to build our Environmental Justice program in-house, the Title VI Coordinator and NEPA Program Manager will be available as needed to help your project team construct EJ language for your documents. As warranted, we may develop "canned" sections that could be applied in a number of scenarios. When working on consultant contracts, be sure to note that the consultant needs an Environmental Justice Specialist on their team and should let us know if they do not have one.

18. Do we have to conduct door-to-door surveys to gather Environmental Justice data? What does CDOT's Risk Management office think about door-to-door interviews in areas that might have a history of high violent crime rates?

We do not recommend door-to-door surveys be done to gather Environmental Justice data. Instead, rely heavily on your public outreach program (meetings in safe places), flyers, surveys, questionnaires, etc. Work through local community groups to get as close to the local affected populations as you can safely. Even so, our project team will very likely need to spend time in the project area, even if it is during public meeting times.

The underlying question here issue here is how CDOT maintains a safe workplace for our employees and consultants. When we work with the public, we are bound to run into situations

where safety is a consideration. CDOT's planners, designers, engineers and construction workers and field staff run into this all the time.

Part of the answer is to do our project homework. What does project team management know about the area? What can we share with each other during our internal scoping process that will help us understand risks? If, as the example asks, our project is in an area with a history of high violent crime rates, the scoping session is the place to discuss appropriate steps to be taken for personal safety, as well as team approaches for gathering public information. Some suggestions may be to talk to local law enforcement agencies in advance to determine a good way to approach the community. In many areas with high crime rates, for example, police stations are set up nearby, or community groups have been established to address the crime rate. These community members will be able to assist the CDOT project team while evaluating the best methods to gather the data we need for our NEPA documents.

Clearly, safety of our project team members is the highest priority. Be smart; be safe. Work in pairs at a minimum. If a member of law enforcement or other emergency management officials recommend that our team leave an area, we should do so without question. Any concern for personal safety should be forwarded to the project manager.

19. What is an appropriate response when people suggest that door-to-door interviews need to be conducted? What is an appropriate response from CDOT to FHWA when FHWA staff or trainers suggest or insist that door-to-door interviews need to be conducted?

The methods used to communicate with people and gather information about the community will vary from project to project. Try to match the appropriate tool to the situation. Written surveys, questionnaires, public meetings, working groups, flyers, and newspaper ads are all tools for sharing and obtaining information with your community. We discourage door-to-door surveys not only for our team members' safety (see #18 above) but also to protect the privacy of residents. CDOT will continue to work with FHWA on acceptable alternatives.

20. Is it reasonable to expect that unit-by-unit statistics on the presence of low income or minority residents or employees/owners of businesses will eventually be determined and documented on each project where right-of-way impacts might occur?

Nationwide, U.S. Census level data are often used to make a determination of low-income or minority population in the general area of the proposed project. The project team should determine if the Census data seem to reflect the reality they see in the area (keep in mind that the Census is done once a decade and that some areas have transient populations or explosive growth, which may change the make-up of a community within that ten-year span). Secondly, the project team should be cognizant of the community make-up by evaluating community questions, needs, issues, and other input. If the team can document that the area is or is not low-income or minority via the Census data and these personal evaluations, this amount of data may be sufficient.

In project areas that may be more complex (for example, a history of disproportionate impacts to the community or a clearly strong community fabric that favors one or more minorities), the project team should be prepared to "dig deeper."

Keep in mind that CDOT's Right of Way department has a strong and successful ROW Relocation program and can be consulted when questions are raised about ROW impacts. CDOT is mandated to follow the Uniform Act to provide fair and equal support to all those relocated by our projects.

21. How large must the minority or low-income population be to consider EJ?

Disproportionately high and adverse effects, not size, are the basis for determining Environmental Justice effects. A very small minority or low-income population in the project, study, or planning area does not eliminate the possibility of a disproportionately high and adverse effect on these populations. What is needed is to show the comparative effects on these populations in relation to either non-minority or higher income populations, as appropriate.

Be aware that if minority or low-income populations are small, there may still be a need to do an Environmental Justice analysis. Environmental Justice determinations are made based on effects, not population size. It is important to consider the comparative impact of an action among different population groups.

22. What happens if there are no minority or low-income individuals in the study area?

When there are no low-income or minority populations, end your EJ analysis, and document your results. You may use the following statement: "No minority or low-income populations have been identified that would be adversely impacted by this project as determined above. Therefore, this project has met the provisions of Executive Order 12898, as it is supported by Title VI of the Civil Rights Act." Keep in mind that the project team will continue to follow the public outreach procedures already outlined in NEPA.

23. What happens if the project appears to have a disproportionately high and adverse impact on a low-income or minority population?

The document (CatEx, EA, EIS) must document how the impacts of the preferred alternative could not be avoided or minimized, how the impacted populations were involved in the decision process and what practicable mitigation commitments have been made.

In addition, you must demonstrate how other alternatives which would have a less-adverse effect on minority and/or low income populations are not practicable because they would either not satisfy the project needs, have more severe adverse impacts on other environmental elements (i.e., wetlands, 4(f), et al.), or that the social, economic, environmental or human health impacts of the other alternatives reach costs of extraordinary magnitudes. The approach is to first avoid impacts, minimize impacts, and then mitigate unavoidable impacts. Enhancements and benefits the affected low-income or minority community will receive should also be considered in making the determination.

A disproportionately high and adverse effect on low-income and minority populations can only be carried out if further avoidance, minimization, mitigation and enhancement measures are not practicable. In determining whether a measure is "practicable," the social, economic (including costs), and environmental effects of avoiding, minimizing, or mitigating the adverse effects can be taken into account. Consult with CDOT Title VI Coordinator when disproportionate and adverse impacts to low-income or minority populations are found and mitigation is being evaluated.

24. Is EJ analysis only relevant to residential impacts?

An EJ analysis includes not only residential but also businesses, resources and usual and accustomed areas (in the case of tribal governments – fishing, hunting, etc.) should be looked at for disproportionate, adverse impacts on the low-income and minority populations.

25. Does EJ analysis have to be a separate discipline study?

No. No matter how you choose to integrate the EJ analysis into your environmental document, the reader needs to understand the process that you used to arrive at the conclusion. If both the social and EJ analysis are combined into one discipline report, it is easier to review. However, if combined, there may be a greater need to cross reference supporting materials.

APPENDIX E
EJ-NEPA IMPLEMENTATION TABLE

NEPA Document Section	EJ Considerations (<i>from the viewpoint of the local resident</i>)
Purpose and Need for Action	Why was this project initiated? Why do I need it? <i>[Keep Purpose and Need sections brief.]</i>
Introduction	Tell me why you're writing this document. <i>[Note that this information is separate from the Purpose and Need Section! Use this section to introduce your project, in layman's terms. If the project is complicated, provide a map of the document here. Provide a brief description of the NEPA process and the proposed timeframe. Keep it simple. Explain how the information will be provided, and that highly technical information will be provided in appendices or in referenced documents.]</i>
Public Involvement Process	Who's in charge and how can I be involved? <i>[Explain your public involvement process, including outreach, participation, technical and working committees, and where people can go to find out more information. Describe special efforts made to address possible literacy, language, transportation, schedule, childcare, and other barriers to involvement. Describe the methods used to overcome potential barriers. Document your strategy and results, e.g., attendance, responses, etc.]</i>
Alternatives	What alternatives are being evaluated? How will each alternative affect me? How did you decide which alternatives to look at? What's the difference between alternatives regarding views, noise, traffic speeds, travel times, costs, intersections, safety, parking, character of the neighborhood, the environment, homes, businesses, air quality, etc. (all of the resources listed below under "Affected Environment"). <i>[When creating, designing, evaluating, and screening alternatives, the project team (engineers, managers, staff, etc.) should consider the points listed in this table from the neighborhood's point of view. Note that decades ago when the highway system was being built, areas with lower realty values were often chosen as the preferred routes. As CDOT and FHWA move toward updating, upgrading, or expanding these highways (as well as building new roads) it is very important to consider impacts to low-income or minority individuals who may have long-standing communities in these areas. The importance of a particular resource will vary with the project. For example, in some areas, historic buildings may be very important, where in others they may not even exist; noise may be a big issue for some project areas and not at all for others, etc. Look at the whole picture. From an EJ perspective, be sure to evaluate alternatives that avoid a disproportionate impact on a low-income or minority community in favor of other routes.]</i>
Affected Environment	What is my neighborhood like now? <i>[Show the reader that your project team understands the make-up and character not only of the physical attributes of the neighborhood, but that you understand what's important to residents, businesses, and the area. This means your project team will need to understand what is culturally unique to the community – what makes them who they are. That is the cultural fabric the holds them together. This means census data alone is generally not enough.]</i>

NEPA Document Section	EJ Considerations (from the viewpoint of the local resident)
Air Quality	<p>How's the air quality here? Do we meet EPA requirements? Is there a problem? <i>[As you review the air quality aspects of the project area, be sure you use layman terms in explaining the technicalities of air quality. Discuss conformity, permits, and any past problems with compliance. Acknowledge “cumulative” effects that the community experiences, for example, from fugitive dust from other construction projects, NOx and other emissions from existing traffic patterns, or other impositions on the nature of the community.]</i></p>
Cultural and Historical	<p>What about historic buildings in the project area? Do we have a catalog of what's important to us? <i>[Determine from your public involvement process how the community feels about its cultural and historical resources. How are these resources seen by the larger public outside the immediate area? Do the historic and cultural attributes of the community help to define the community?]</i></p>
Geology	<p>Are we in a geologically stable area? I keep hearing about Mt. St. Helen's. <i>[Understand that the community may have unfounded concerns related to science. Be prepared to address these concerns as necessary through the public involvement process.]</i></p>
Hydrology	<p>What's my water quality like now? In my river, stream, lake, and water supply? Show me where we have wetlands, riparian areas, and streams. Tell me where my water comes from and who's responsible for that. What permits do we need? <i>[Past experience with poor or contaminated water supplies may be considered a past impact to the community. The project team should be aware that past problems--even those that have been corrected--may be brought up again during the public involvement period and may be seen as a “cumulative” impact to the community. The community may also see local streams, lakes, and rivers as key aesthetic and integral elements in their neighborhood and may see the project as a detriment to these attributes. Low-income communities may see these attributes as “all we have” which may make these attributes even more important to preserving their culture.]</i></p>
Lands and Realty	<p>What's the lay of the land--how's the project area structured (businesses, industrial, residential, values, etc.). Show me a snapshot. <i>[Be sure to create clear, uncluttered graphics that allow a reader to understand where he or she fits into the project area picture. Also, help the reader understand the economic viability of the area, which may include a brief discussion on land value trends, property values, accessibility issues, and current zoning.]</i></p>

NEPA Document Section	EJ Considerations (from the viewpoint of the local resident)
Agriculture	<p>Is there agricultural land here? How is it zoned? How important is it to my area? What's the value of agricultural land in dollars and in economic trade importance? <u>[Especially in rural areas, discuss agricultural land to the extent necessary to convey an understanding of the importance of that land both economically (to the region and the nation in some cases), and culturally (as a lifestyle). In some communities, farmers may be your entire project community. In others, they may be a dwindling remnant of a formerly robust farming economy, making them even more special. Because many farming communities have both low-income and minority populations, it is important to consider these populations while evaluating land acquisition, alternative routes, speeds, distances, highway widths (for farm equipment), access, etc., so that the impacts will be as minimal as possible to allow them to continue their farming lifestyle.]</u></p>
Economic Values	<p>What is the economic viability of the project area? What is its ethnic makeup? What kinds of businesses are in the project area and what do they bring to my neighborhood in terms of jobs, tax dollars, and other benefits? Are any of them a detriment? <u>[Be sensitive in the language used to discuss the income and economy of a project area, property values of homes, or general conditions that may reflect a community structure. Determine what importance local businesses play: Are they minority owned? How long have they been in the community? How easy would it be for them to relocate? Do they employ low-income or minority employees? Is so, how many? And what is the percentage of low-income or minority employees compared to the overall project area? Are the businesses within the project area a base of employment for the neighborhood, region, or nation? Do they provide a unique service or product to a low-income or minority population? Do their operations create problems (noise, pollution, etc.) for the residents?]</u></p>
Minority Populations and Other Social Values	<p>Are minorities present in the project area? What other ethnic groups may be present in the project area? Are there community issues that may be related to the proposed project that should be addressed? <u>[Give a description of the minority population affected by the proposed action. Include the size of the population and their pertinent demographic characteristics. If population is dispersed and not identifiably minority, then the study area population may be homogeneous and can be stated as such. On the other hand, if a small minority exists within a non-minority neighborhood, they should be identified. This means that census data alone are generally not adequate to document the low-income and minority populations. Data from public involvement, local comprehensive plans and "windshield surveys" are some examples of where supplemental data can be obtained. Address all community issue thoroughly. An example might be where a minority population of Korean-Americans all attend a neighborhood Korean church; the project may block the community's direct access to the church, thereby creating a need for the project team to evaluate alternatives that may avoid this impact (pedestrian crossover or tunnel, taking a detour from</u></p>

NEPA Document Section	EJ Considerations (from the viewpoint of the local resident)
	<i><u>this area, etc.) Another example may be where a local Chilean grocery store provides necessary staples for the South American community. If the project “takes” the grocery, the residents would have to travel farther for a basic staple of their lifestyles. Document data sources and methods for determination. Census data alone is generally not adequate.]</u></i>
Native American	<i><u>Is tribal land involved in this project? Will tribes be consulted? [Environmental Justice responsibilities apply equally to Native American programs. Additionally, Native Americans are considered part of the EJ “minority” designation, and should be considered whenever tribal lands may be crossed, or where tribal legacy may be affected by any aspect of a CDOT project.]</u></i>
Paleontology	<i><u>Are there significant fossils present in the area? Anything else that needs to be preserved? [Communities may identify with well-known paleontology finds and consider them an attribute as they would a park or a recreation center. Unique attributes to low-income communities may be seen as more precious than to other communities.]</u></i>
Recreation	<i><u>What about our parks, recreation centers, bike trails, hunting, fishing, public lands? What do we have here? Who's responsible for making sure we take care of these lands? [As under Hydrology above, recreational opportunities are attributes to a community. Especially in communities that experience these parks and centers as a gathering place for the entire community, it is critical that the project team understand how the community sees these resources and how they are used. Low-income communities may make even greater use of neighborhood parks and centers because of a lack of vehicles or other transportation to go elsewhere. Take into account how the project will interact with these resources.]</u></i>

NEPA Document Section	EJ Considerations (from the viewpoint of the local resident)
Soils	<p>Are there unique agricultural soils in my area? Good soil for farming? Contaminated soil from old spills or leaking underground tanks? <u><i>[If the project will "take" soils historically used for agriculture, what will be the impact to local farming and the potential effect on low-income farmers and farm workers? As noted under hydrology, a history of any type of contamination in a particular area may be seen as a cumulative impact to the local residents and businesses. Past CERCLA, RCRA, and SARA violations or conformity should be taken into consideration when evaluating the condition of soils in a project area. If the soils are contaminated, has the neighborhood experienced problems from fugitive dust or will they have concerns about release of contaminants during construction?]</i></u></p>
Solid and Hazardous Wastes	<p>Do we have any current problems with wastes from local businesses (auto repair, dry cleaners, other), passing traffic, application on roads? <u><i>[Does the project area experience issues with solid waste from local businesses being blown around the neighborhood, odors, significant truck traffic due to hauling--in short, does waste act as a detriment to the lives of the residents and businesses? Are hazardous wastes from local businesses (or being hauled on nearby roadways) creating concern for residents? Have spills or accidents involving wastes occurred in the past? If a low-income area, do the residents feel that solid and hazardous waste issues have been a continual problem over the decades and that their neighborhood has been targeted?]</i></u></p>
Transit	<p>What's the make-up of the transportation system around here? How does it feed into the bigger system? How does it all connect? Why should everyone drive through past my house? <u><i>[Write the story to help the residents and local businesses see how our proposed project connects to the bigger transportation system, how they [and others] will benefit from the improvements as a result of the project (for example, via better intermodal transportation, bus stations, etc.).]</i></u></p>
Vegetation	<p>What's the status of the vegetation in my area? Do we have rare or endangered species of plants? Anything unique? Is there a unique ecosystem? What about habitats? We always seem to have weeds along roads. <u><i>[Flora are especially important in areas that have a strong history of being affected by transportation projects (that is, project areas that may be along existing roadways). Parks, natural ecosystems, natural habitats, a diversity of plant life, all contribute to a healthy, aesthetically pleasing, and more interesting lifestyle for people who otherwise do not have access to "nature." Urban corridors, especially, benefit from existing vegetation that is maintained in a natural or well-landscaped condition. Low-income populations may be especially grateful for natural vegetation and appreciate the diversity of natural habitats near their properties, and may see these attributes as contributing to their quality of life. At the same time, there may be concerns about noxious weeds proliferating along highways, affecting their properties.]</i></u></p>

NEPA Document Section	EJ Considerations (from the viewpoint of the local resident)
Visual	<p>What are the unique visual qualities in my area? Why is my view special? <u>[Especially in low-income areas where low-income housing, dense housing, multi-housing units (such as apartment buildings), and otherwise more crowded conditions may prevail, visual quality is an important addition to the quality of life. Nearby businesses, industrial areas, rail lines, highways, unsightly or abandoned properties, all may contribute to the degradation of the visual quality of a neighborhood. The project team should be careful to see the project area through the eyes of those who live and work in the area to truly understand the impacts of the proposed project.]</u></p>
Wildlife	<p>Are threatened or endangered animal species in my area? How are they protected; under what regulations? What other wildlife are found here? How important are they to my way of life? How do the people in this neighborhood see wildlife? A plus or a minus? <u>[Similar to the "vegetation" section above, wildlife may be seen as an attribute to a project area. They may also be considered a nuisance (deer in home gardens or prairie dogs in agricultural fields, for example). The project team should not only document the presence of wildlife species in the area, but determine from the public involvement process the perception of the public regarding wildlife.]</u></p>
Environmental Consequences (IMPACTS)	<p>For each of the resources listed above, consider the following types of discussions:</p> <p>What effects will the project have on my life? (air, water, wildlife, noise, views, jobs, tax base, etc.).</p> <p>If my neighborhood is full of people who don't make much money, how are we supposed to handle big changes? We can't afford change.</p> <p>What will these impacts do to my neighbors and me?</p> <p>Will it cost me more to live here?</p> <p>Will I have to walk farther to a bus stop?</p> <p>Will the new train station be within walking distance?</p> <p>What if we're culturally unique--we have a large Hispanic community that likes to gather at a local shopping center?</p> <p>What happens when the highway divides the homes from the shopping center? <u>[Under EJ, environmental impacts should be discussed in such a way to show that the project team has evaluated each impact while considering the make-up of the project area population. Describe adverse and disproportionate impact on minority and low-income populations as compared to the comparison community for each alternative, including the No Build. Document the community perception of impact, positive and negative, and severity. Consider any offsetting benefits and conclude whether adverse impacts are appreciably more severe or greater in magnitude than the adverse impacts that will be suffered by the non-minority/low-income population, and therefore disproportionately high. If studies indicate that impacts to low-income and minority populations will be disproportionately high, the project team must explain why the alternatives that include these impacts were chosen.]</u></p>

NEPA Document Section	EJ Considerations (from the viewpoint of the local resident)
	<p><i>Did other alternatives have greater impacts to other resource areas such as wetlands? Perhaps the other alternatives did not meet the purpose and need of the project. Perhaps the other alternatives that would have avoided the minority and/or low income populations would have been extremely costly by comparison. Regardless of the reason, the document must explain why a group of minority or low-income people are affected by a project. If a Title VI population is disproportionately affected, document that there is a substantial need for the program, based on overall public interest and that alternatives that would have less adverse effects on minority and/or low income populations have either: adverse social economic, environmental or human health impacts that are more severe or would involve costs of an extraordinary magnitude.]</i></p>
Mitigation	<p>How will CDOT keep these effects from harming me, my family and friends, my neighbors, and our way of life? <i>[Mitigation measures outlined in the NEPA document should indicate all feasible approaches CDOT can take to minimize identified impacts to low-income and minority populations. Include a discussion of practicability. Describe social, economic, and environmental effects of mitigation measures as they pertain to the low-income and minority populations. Document community perception of suitability of the mitigation proposed. Describe mitigation commitments. Note that although this may include the Uniform Act relocation plan (run by CDOT ROW); the relocation itself is not mitigation. Mitigation measures for low-income and minority populations may include: designing and building walkovers to keep a community connected; avoiding taking significant cultural community centers such as churches, health centers, or day care centers that the community relies on; working with the community to find "betterments" under FHWA grants, such as building a community park using partial parcels leftover from ROW acquisitions; locating a rail or other transit station where none was located before, in order to help community members get to and from their places of work .]</i></p>