

EJ ANALYSIS IN ENVIRONMENTAL REVIEW

(ADA version of flowchart-Adapted from the FHWA EJ Reference Guide)

Step 1

Using localized Census-tract data and other relevant information sources (e.g., information from past studies and public outreach) gather data and list any readily identifiable groups or clusters of minority or low-income persons in the EJ study area.

Are there any minority or low-income populations in the study area?

- **YES:** Go to Step 2
- **NO:** Go to Step 3

Step 2

Conduct major proactive efforts to ensure meaningful opportunities for public participation, including activities to increase low-income and minority participation.

Compare the effects of the project (including cumulative and indirect effects) on the minority and/or low-income populations with respect to the effects on the overall population within the project area. Fair distribution of the beneficial and adverse effects of the proposed action is the desired outcome.

Are there disproportionately high and adverse effects on a minority or low-income population? A disproportionately high and adverse effect on a minority or low-income population means the adverse effect is predominantly borne by such population or is appreciably more severe or greater in magnitude on the minority or low-income population than the adverse effect suffered by the non-minority or non-low-income population.

- **YES:** Go to Step 4
- **NO:** Go to Step 3

Step 3

Document research and findings in appropriate NEPA document. No further analysis is required.

Step 4

Consider mitigation (as defined in 40 CFR 1508.20) for all adverse effects. Follow the protocol of avoidance first, then minimization, and finally, measures to offset or rectify the adverse effects.

After mitigation are there still disproportionately high and adverse effects on a minority or low-income population?

- **YES:** Go to Step 5
- **NO:** Go to Step 3

Step 5

Are there further practicable mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects(s)?

- **YES:** Go to Step 6
- **NO:** Go to Step 7

Step 6

Have project proponents applied those measures so that the net effect is not disproportionately high and adverse?

- **YES:** Go to Step 3
- **NO:** FHWA will likely not approve the project.

Step 7

Is the affected population a minority population protected under Title VI?

- **YES:** Go to Step 8
- **NO:** FHWA may approve the project.

Step 8

Is there substantial need for the project, based on overall public interest?

- **YES:** FHWA may only approve selection of the alternative with the least adverse effects on protected populations unless the alternative has either:
 - Adverse social, economic, environmental, or human health impacts that are more severe, or
 - Would involve increased costs of an extraordinary magnitude.
- **NO:** FHWA will likely not approve the project.