

# HEAL ACT

## IMPLEMENTATION UPDATE

Ahmer Nizam, Environmental Services Director  
Washington State Transportation Commission Meeting  
May 15, 2024

# Environmental Justice Before the HEAL Act

**Title VI of the Civil Rights Act (1964)**

**Executive Order 12898 (1994)**

**EO 12898 and related federal transportation orders (USDOT)**



# Healthy Environment for All (HEAL) Act

- Enacted in 2021 – RCW 70A.02 Environmental Justice
- Applies to seven state agencies: the Departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation, and the Puget Sound Partnership.
- Establishes environmental justice requirements under state law and outlines how state agencies should consider environmental justice (EJ) in their work.
- The HEAL Act places an emphasis on the prioritization of vulnerable populations and overburdened communities.
- The HEAL Act establishes the [EJ Council](#). Members of the EJ Council are appointed by the Governor and advise agencies on incorporating EJ into agency activities, and to make recommendations to the State Legislature.

# HEAL Act Requirements

## Agency requirements:

- ✓ Update community engagement plan by July 1, 2022
- ✓ Environmental Justice implementation plan by January 1, 2023
- EJ Assessments for actions (begin July 1, 2023)
  - Individual projects and grants over \$15 million
  - New grant or loan programs
  - Agency request legislation
  - Additional actions identify by July 1, 2025
- Incorporate EJ into budget & funding decisions (begin July 1, 2023)

# WSDOT Implementation Structure

- **Executive Steering Committee** – Leadership from all Regions, Programs, and Divisions
- **Executive Sponsors** – Earl Key, Kerri Wohler, Ahmer Nizam
- **Project Managers** - Charlene Kay & Alberto Valentine
- **Core Team** – Agency staff with EJ expertise
- **Task Teams**
  - Community Engagement
  - Strategic Plan
  - Interagency Workgroup Support
  - EJ Assessments
  - Budgets & Funding
  - Tribal Engagement

# EJ Council Work

## Council Focus Areas Over the Past Year

- Community Engagement
  - Guidance Document
- EJ Assessments
  - Subcommittee convened
  - Development of EJ Assessment Template
  - Additional guidance in progress
- Budgets & Funding
  - Subcommittee convened
  - Focus has been on advancing priorities to the legislature
  - Guidance in progress
- Guidance on Environmental Disparities Map (for DOH)
  - Process for Identifying OC/VP - in progress
- Climate Commitment Act
- Beginning work on conceptualizing participatory budgeting and decisions making

# WSDOT Current Focus

## Significant Agency Actions

- Individual projects and grants over \$15 million
- New grant or loan programs
- Agency request legislation and rulemaking
- Additional actions identify by July 1, 2025

## Incorporate EJ into budget & funding decisions

# Determining Significant Agency Actions (SAAs)

## Significant Agency Action

Recommendation (HEAL Act Compliance)

### SAA Team Screening Worksheet

The Healthy Environment for All (HEAL) Act [RCW 70A.02.010(12)] specifies types of Significant Agency Actions (SAAs) that trigger an Environmental Justice Assessment (EJA). The purpose of this worksheet is to document WSDOT's recommendation on determination of whether an action is a "significant agency action."

Type of action:	[check one of following options] <input type="checkbox"/> Significant legislative Rulemaking <input type="checkbox"/> Agency request legislation <input checked="" type="checkbox"/> Transportation project over \$15M <input type="checkbox"/> Transportation grant/loan over \$15M <input type="checkbox"/> New grant/loan program <input type="checkbox"/> Other
Title of action:	I-405 Operational Improvements Project PIN: 140561E
Date SAA initiated:	January 2024 anticipated design start
Brief description:	Provide operational improvements associated with the express toll lanes at SR 522 vicinity to SR 527 to deliver a coordinated approach to congestion relief of both express toll and general-purpose lanes. Construct traffic operational improvements at four separate locations along the I-405 corridor including auxiliary or peak use shoulder lanes (PUSL) and interchange modifications through a combination of widening and restriping of the roadway.
Method(s) for providing public comment for EJA:	TBD
Link to agency website where the action is posted:	TBD
Point of Contact email:	Caroline Barnett <a href="mailto:barnetc@consultant.wsdot.wa.gov">barnetc@consultant.wsdot.wa.gov</a>
Criteria used in determination:	Transportation project over \$15M with a pre-design start date after 7/1/2023.
SAA Team Recommendation :	Yes, this project is a Significant Agency Action.

- Helps Track SAA Decisions
- Provides for Consistent Application of Guidance
- Allows for Reporting to OFM Regarding SAAs



# Significant Agency Actions and EJ Assessments – Current Status

- Started assessments for two major projects at I-90/Judkins Park Station and SR 525/RR overcrossing in Mukilteo.
- Preparing to begin another 12 EJ Assessments, including for 10 projects, one new grant program, and one agency rulemaking.
- SAA Team meets regularly to assess additional agency actions.

# RCW 70A.02.080: Budgets and Funding

## Requirement

Incorporate environmental justice principles into its decision processes for budget development, making expenditures, and granting and withholding environmental benefits.

## Outcome

Equitably distribute funding and expenditures:

- RCW 70A.02.080(2)(e): *“Establish a goal of directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities.”*

# Budgets and Funding Decisions

## Initial Considerations

- Agency Grant Programs (in addition to SAAs)
- Climate Commitment Act Goals
- Complete Streets
- Stormwater Retrofits (factoring EJ into project prioritization)
- Broadband Accommodation (Digital Equity)
- Consideration of EJ Principles for TSMO investments
- Safe Systems (Evaluation for Vulnerable Roadway Users)

\*Agency Decision Packages will include responses to additional EJ Screening questions (under development by OFM)

# Related Developments

## **Finalizing policy on compensation for community engagement.**

- A Best Practice Guide and other support resources.
- A method for reporting and tracking to ensure accountability with our funding partners.

## **2023 Session - WSDOT was provided \$3M to implement a community-centered carbon reduction strategy**

WSDOT is working with a statewide Community-Based Organization to deliver a new grant program with a focus on building community leadership and implementing community strategies to reduce carbon emissions.

# Questions?

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