

preclude claims by individuals or groups of people with respect to any DOT program, policy, or activity.

6. Actions to Address Disproportionately High and Adverse Effects.

[The following are options for consideration with respect to actions to address disproportionately high and adverse effects on minority populations and low-income populations under the Executive Order.]

Option A

6. Actions to Address Disproportionately High and Adverse Effects

(a) If it is determined pursuant to paragraph 5.b above that the program, policy, or activity (including all offsetting mitigation and enhancement measures that will be taken) will have a disproportionately high and adverse effect on minority or low-income populations, then the program, policy, or activity may not be carried out unless further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable. In determining whether a measure or alternative is "practicable", the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

(b) Under Title VI of the Civil Rights Act of 1964, each federal agency is required to ensure that no person, on the ground of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. DOT's responsibilities under Title VI and related statutes and regulations are not limited by this paragraph, nor does this paragraph limit or preclude claims by individuals or groups of people with respect to any DOT program, policy, or activity under these authorities.

Option B

6. Actions to Address Disproportionately High and Adverse Effects

(a) If it is determined pursuant to paragraph 5.b above that the program, policy, or activity (including all offsetting mitigation and enhancement measures that will be taken) will have a disproportionately high and adverse effect on minority or low-income populations, then the program, policy, or activity may not be carried out unless further mitigation measures or

alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable. In determining whether a measure or alternative is "practicable", the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

(b) In addition, if the program, policy or activity will have a disproportionately high and adverse effect on populations protected by Title VI of the Civil Rights Act of 1964 ("protected populations"), then the program, policy or activity may not be carried out unless a substantial need for the program, policy or activity, based on the overall public interest, can be demonstrated, *and*

(1) An agreement is reached with the potentially affected protected populations to proceed with the program, policy or activity, *or*

(2) Alternatives that will have less adverse effects on protected populations (and still satisfy the need identified in subparagraph (b) above) *either*

(A) Would have other high adverse social, economic, environmental, or human health impacts that are more severe, *or*

(B) Would involve increased costs of extraordinary magnitude.

(c) Under Title VI of the Civil Rights Act of 1964, each federal agency is required to ensure that no person, on the ground of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. DOT's responsibilities under Title VI and related statutes and regulations are not limited by this paragraph, nor does this paragraph limit or preclude claims by individuals or groups of people with respect to any DOT program, policy, or activity under these authorities.

Option C

6. Actions to Address Disproportionately High and Adverse Effects

(a) If it is determined pursuant to paragraph 5.b above that the program, policy, or activity (including all offsetting mitigation and enhancement measures that will be taken) will have a disproportionately high and adverse effect on minority or low-income populations, then the program, policy or activity may not be carried out unless consideration has been given to the following factors:

(1) Whether a substantial need for the program, policy or activity, based on the

overall public interest, can be demonstrated, *and*

(2) Whether alternatives that will have less adverse effects on minority or low-income populations (and still satisfy the need identified in subparagraph (1) above) *either*

(A) Would have other high adverse social, economic, environmental, or human health impacts that are more severe, *or*

(B) Would involve increased costs of extraordinary magnitude.

(b) Under Title VI of the Civil Rights Act of 1964, each federal agency is required to ensure that no person, on the ground of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. DOT's responsibilities under Title VI and related statutes and regulations are not limited by this paragraph, nor does this paragraph limit or preclude claims by individuals or groups of people with respect to any DOT program, policy, or activity under these authorities.

7. Integration With Existing Operations

a. The Office of the Secretary and each operating administration shall determine the most effective and efficient way of integrating the process and objectives of this Order with their existing regulations and guidance, and utilize existing authority in NEPA, Title VI, the URA and other statutes, regulations, and guidance that concern planning; social, economic, or environmental matters; public health or welfare; public involvement; or related matters. Within 6 months of the date of this Order each operating administration will provide a report to the Assistant Secretary for Transportation Policy and the Director of the Departmental Office of Civil Rights describing the procedures it has developed to integrate, or how it is integrating, the processes and objectives set forth in this Order into its operations. Public input on any procedures developed to comply with this Order should be solicited.

b. In undertaking the integration with existing operations described in paragraph 7.a., DOT shall observe the following principles:

(1) Planning and programming activities, that affect human health or the environment, shall include consideration of such effects on minority populations and low-income populations. Procedures shall be established or expanded, as necessary, to provide meaningful opportunities for public involvement by minority